

SENATOR DAN PATRICK
CONFIDENTIAL TRANSCRIPT

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<p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS 2 CORPUS CHRISTI DIVISION 3 MARC VEASEY, et al.,) Plaintiffs,) 4) v.) Civil Action 5) No. 2:13-cv-193(NGR) RICK PERRY, et al.,) 6 Defendants.) _____) 7) 8 9 <<<<<HIGHLY CONFIDENTIAL>>>>> 10 ***** 11 ORAL DEPOSITION OF 12 SENATOR DAN PATRICK 13 JULY 11, 2014 14 ***** 15 ORAL DEPOSITION of SENATOR DAN PATRICK, 16 produced as a witness at the instance of the United 17 States of America, and duly sworn, was taken in the 18 above-styled and numbered cause on July 11, 2014, from 19 10:17 a.m. to 6:07 p.m., before Denyce M. Sanders, 20 CSR, RPR, CRR, TCR, in and for the State of Texas, 21 recorded by machine shorthand, at the offices of 22 Attorney General's Office, 808 Travis, Suite 1520, 23 Houston, Texas, pursuant to the Federal Rules of Civil 24 Procedure and the provisions stated on the record or 25 attached hereto; signature having been waived.</p>	<p style="text-align: right;">3</p> <p>1 OFFICE OF THE ATTORNEY GENERAL DEPUTY ATTORNEY GENERAL FOR 2 INTERGOVERNMENTAL RELATIONS P.O. Box 12548, Capitol Station 3 Austin, Texas 78711 Mr. Jay Dyer 4 512.463.2197 jay.dyer@oag.state.tx.us 5 -and- 6 OFFICE OF THE ATTORNEY GENERAL OFFICE OF THE SOLICITOR GENERAL 7 P.O. Box 12548, Capitol Station Austin, Texas 78711 8 Mr. Arthur C. D'Andrea 9 512.463.2197 arthur.dandrea@oag.state.tx.us 10 11 FOR THE DEFENDANTS RICK PERRY, STATE OF TEXAS, NANDITA BERRY, AND THE DEPARTMENT OF PUBLIC SAFETY: 12 13 OFFICE OF THE ATTORNEY GENERAL TORT LITIGATION DIVISION 14 P.O. Box 12548, Capitol Station Austin, Texas 78711 15 Mr. J. Reed Clay, Jr. 512.463.2197 reed.clay@oag.state.tx.us 16 17 ALSO PRESENT: 18 Ms. Lauren Sutterfield 19 20 21 22 23 24 25</p>
<p style="text-align: right;">2</p> <p>1 APPEARANCES 2 3 FOR THE PLAINTIFF UNITED STATES OF AMERICA: 4 U.S. DEPARTMENT OF JUSTICE Civil Rights Division 950 Pennsylvania Avenue, NW - NWB Room 7254 5 Washington, D.C. 20530 Ms. Anna M. Baldwin 6 202.305.4355 anna.baldwin@usdoj.gov 7 8 FOR THE VEASEY PLAINTIFFS: DERFNER ALTMAN & WILBORN 9 575 King Street, Suite B Charleston, South Carolina 29403 10 Mr. Armand Derfner 843.723.9804 11 aderfner@dawlegal.com 12 13 FOR THE DEFENDANT TEXAS LEAGUE OF YOUNG VOTERS PLAINTIFF-INTERVENORS: 14 WILMER CUTLER PICKERING HALE AND DOOR, LLP 15 1875 Pennsylvania Avenue, NW Washington, D.C. 20006 16 Ms. Danielle Y. Conley 202.663.6262 17 danielle.conley@wilmerhale.com 18 19 FOR THE DEFENDANTS AND WITNESS: 20 OFFICE OF THE ATTORNEY GENERAL OF TEXAS Consumer Protection Division 21 808 Travis, Suite 1520 Houston, Texas 77002 22 Ms. Rosemarie Donnelly 713.225.8919 23 rosemarie.donnelly@texasattorneygeneral.gov 24 -and- 25 -CONTINUED-</p>	<p style="text-align: right;">4</p> <p>1 INDEX 2 ORAL DEPOSITION OF 3 SENATOR DAN PATRICK, JULY 11, 2014 4 Page 5 APPEARANCES..... 2 6 BY MS. BALDWIN..... 9 7 BY MS. CONLEY..... 196 8 BY MR. DERFNER..... 254 9 BY MR. CLAY..... 307 10 BY MS. CONLEY..... 331 11 12 13 14 15 REPORTER CERTIFICATION..... 333 16 17 18 19 20 21 22 23 24 25</p>

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<p style="text-align: right;">5</p> <p>1 EXHIBIT INDEX 2 ORAL DEPOSITION OF 3 SENATOR DAN PATRICK, JULY 11, 2014 4 Description Page 5 6 Patrick 1 Document Subpoena..... 13 7 8 Patrick 2 SB No. 362..... 48 9 10 Patrick 3 3-10-09 Transcript of 95 11 Testimony 12 Patrick 4 SB No. 14..... 102 13 Patrick 5 1-26-11 Senate Journal..... 121 14 Patrick 6 E-mails..... 152 15 Patrick 7 E-mails..... 168 16 Patrick 8 E-mails..... 176 17 Patrick 9 Document entitled I Stand 187 18 with Dan to Stop the Illegal 19 Invasion 20 Patrick 10 E-mails..... 199 21 Patrick 11 E-mails..... 206 22 Patrick 12 Document entitled Senator 254 23 Patrick Announces Voter 24 Integrity Initiative 25 Patrick 12A Document entitled Senator 254 Patrick: "House Antics Kills Voter Identification Patrick 12B 4-15-09 Form Letter..... 254 Patrick 12C 2-24-12 Capitol Update..... 254 Patrick 12D Document entitled Your Voice . 254 from Senate District 7</p>	<p style="text-align: right;">7</p> <p>1 SENATOR DAN PATRICK, 2 having been first duly sworn, testified as follows: 3 MS. BALDWIN: Good morning. My name is 4 Anna Baldwin and I represent the United States in this 5 matter. Thank you for being here today, Senator 6 Patrick. 7 If we could just go around the room and 8 get everyone's name for the record, please. 9 MS. CONLEY: Danielle Conley. I 10 represent the Texas League of Young Voters Education 11 Fund and Imani Clark, the plaintiff-intervenors in 12 this matter. 13 MR. DERFNER: I'm Armand Derfner. I 14 represent the Veasey plaintiffs. 15 MR. CLAY: Reed Clay, for the State of 16 Texas. 17 MR. DYER: Jay Dyer, on behalf of the 18 witness. 19 MS. DONNELLY: Rosemarie Donnelly, on 20 behalf of the witness. 21 MS. SUTTERFIELD: Lauren Sutterfield, in 22 Senator Patrick's office. 23 MR. D'ANDREA: Arthur D'Andrea, for the 24 witness. 25 THE WITNESS: Who's on the phone?</p>
<p style="text-align: right;">6</p> <p>1 Patrick 12E E-mails..... 254 2 Patrick 13 Defendants' Objections and ... 271 3 Responses to Plaintiffs and 4 Plaintiff-Intervenors' First 5 Set of Interrogatories 6 Patrick 14 SB 14..... 283 7 8 Patrick 15 Transportation Code 521.142... 285 9 10 Patrick 16 37 TAC 15.185..... 287 11 12 Patrick 17 37 TAC 15.182..... 287 13 14 Patrick 18 Document entitled Election ... 292 15 Identification Certificate 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">8</p> <p>1 MS. BALDWIN: Do we have anybody on the 2 phone? 3 THE WITNESS: Who are we connected to, 4 by the way? 5 MS. CONLEY: We're connected to other 6 plaintiffs who may dial in -- or attorneys for -- 7 MS. DONNELLY: Yeah. How are we going 8 to keep track of when they dial in? 9 MS. CONLEY: Well, we can -- I 10 mean -- is anyone on the phone? 11 MS. BALDWIN: No one will be speaking. 12 They will just be listening in. 13 MS. DONNELLY: Yeah, but I think for 14 purposes of the record they're present. 15 MR. CLAY: Yeah, we'll still want to 16 know who's listening in. 17 MS. BALDWIN: Okay. 18 MR. CLAY: I think when -- probably when 19 they dial in there's some signal that somebody has 20 dialed in and maybe we should say, "Who's there?" 21 THE WITNESS: Well, my question would 22 be, if this is under protection, how do we know who is 23 on the line? I'm not very comfortable with just 24 having an open phone line. 25 MS. DONNELLY: Can you just e-mail your</p>

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<p style="text-align: right;">9</p> <p>1 counterparts and say, "If you want to dial in, e-mail 2 me back," and then we can deal with it then. How 3 would that be? 4 THE WITNESS: Yeah, let's do that. 5 MS. BALDWIN: That's fine. 6 MS. DONNELLY: So we need to hang up. 7 MR. DYER: So I'll hang that up. 8 MS. DONNELLY: Yeah, hang up. Thanks. 9 E X A M I N A T I O N 10 BY MS. BALDWIN: 11 Q. Senator Patrick, could you state and spell 12 your name for the record. 13 A. D-A-N P-A-T-R-I-C-K. 14 Q. And do you understand that today you're to 15 testify truthfully, accurately, and completely? 16 A. Yes. 17 Q. The court reporter is going to be preparing a 18 transcript of everything that's said today. I'd ask 19 that you respond to my questions verbally, with no 20 shaking the head yes or no, or uh-huhs or huh-uhs, 21 since those are difficult to transcribe. 22 If you'll wait for me to finish my question 23 before you answer, I'll do the same for you, and then 24 that way we'll have a clear record. 25 If you wish to stop and take a break, please</p>	<p style="text-align: right;">11</p> <p>1 MS. DONNELLY: I'm going to object to 2 that. I think that creates confusion. 3 Q. (BY MS. BALDWIN) If you have any question 4 about what I mean when I use the term, feel free to 5 ask. Does that make sense? 6 A. I will ask. 7 Q. Okay. When I use the term "minority voters," 8 I mean voters who are nonwhite and non-Anglo. Do you 9 understand? 10 A. Yes. 11 Q. When I refer to SB 14, I mean the voter ID 12 bill that was passed by the Texas legislature in 2011. 13 I understand that in every session of the Texas 14 legislature there is, in fact, an SB 14, but that's 15 the SB 14 that I'm going to be talking about today. 16 Does that make sense? 17 A. Yes. 18 Q. Senator Patrick, are you represented by 19 counsel today? 20 A. Yes. 21 Q. And who is that? 22 A. It's from the Attorney General's Office. 23 Q. Okay. And have you been deposed since the 24 last time you were deposed in litigation regarding 25 SB 14?</p>
<p style="text-align: right;">10</p> <p>1 let me know and we'll try and accommodate you. 2 Does all that make sense? 3 A. Yes. 4 Q. Do you understand that you're under oath and 5 may be subject to the penalty of perjury for giving 6 false or misleading testimony today just like at a 7 trial? 8 A. Yes. 9 Q. Do you understand these instructions? 10 A. Yes. 11 Q. Do you have any questions about these 12 instructions? 13 A. No. 14 Q. Are you on any medication today that would 15 affect your ability to testify? 16 A. No. 17 Q. Is there any reason why you cannot testify 18 truthfully and accurately today? 19 A. No. 20 Q. I may use the terms "voter ID" and "photo ID" 21 interchangeably during this deposition. I want you to 22 interpret that term just to mean the requirement that 23 a voter present a form of identification when voting 24 in person before being permitted to vote by regular 25 ballot. Do you understand?</p>	<p style="text-align: right;">12</p> <p>1 A. No. 2 Q. Okay. What did you do to prepare for today's 3 deposition? 4 A. Talked with representatives from the Attorney 5 General's Office for a couple of hours. 6 Q. And when was that? 7 A. Yesterday. 8 Q. And which representatives? 9 A. Rosemarie, Arthur, Jay. 10 Q. Okay. Was anybody else present? 11 A. No. 12 Q. Did you review any documents? 13 A. Yes. 14 Q. What documents? 15 A. That, I can't remember. 16 Q. Can you describe generally what documents you 17 reviewed? 18 A. There were some e-mails from me and maybe 19 some other press statements or releases. I can't 20 remember each one. 21 Q. Okay. 22 MS. DONNELLY: I'll represent everything 23 that was reviewed has been produced in this 24 litigation. 25 MR. CLAY: I'm sorry, say that again.</p>

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<p style="text-align: right;">13</p> <p>1 MS. DONNELLY: Everything that was</p> <p>2 reviewed has been produced in this litigation.</p> <p>3 Q. (BY MS. BALDWIN) And did you bring any notes</p> <p>4 or documents with you here today?</p> <p>5 A. No.</p> <p>6 (Patrick Exhibit 1 marked/introduced.)</p> <p>7 Q. (BY MS. BALDWIN) I'm going to hand you a</p> <p>8 document to be marked as Exhibit 1, which is the</p> <p>9 document subpoena that was served on you in this case.</p> <p>10 Would you take a moment -- do you recognize</p> <p>11 this document, and in particular Exhibit A beginning</p> <p>12 on page 3, which is the document requests?</p> <p>13 A. Well, I don't believe I have seen it before.</p> <p>14 Q. Were you aware that a document subpoena was</p> <p>15 served on you in this litigation?</p> <p>16 A. Yes.</p> <p>17 Q. And how were these documents searched for?</p> <p>18 Are you aware?</p> <p>19 A. I am not. That was my -- my staff.</p> <p>20 Q. Who on your staff handled that?</p> <p>21 A. John Gibbs.</p> <p>22 Q. And did you have any discussion with</p> <p>23 Mr. Gibbs about that?</p> <p>24 A. No. There may have been other people in the</p> <p>25 office, but John is the one I worked with. And then I</p>	<p style="text-align: right;">15</p> <p>1 that correct?</p> <p>2 A. Correct.</p> <p>3 Q. And did you provide any documents from your</p> <p>4 Gmail address?</p> <p>5 A. I believe I did.</p> <p>6 Q. And do you know, was that in connection with</p> <p>7 this litigation or the prior litigation?</p> <p>8 MS. DONNELLY: Objection. Form.</p> <p>9 A. The documents that I saw yesterday, I can't</p> <p>10 recall.</p> <p>11 Q. (BY MS. BALDWIN) Do you remember roughly when</p> <p>12 you searched for the Gmail documents? Was that this</p> <p>13 year or at an earlier date?</p> <p>14 A. When was the request made?</p> <p>15 Q. If you'll look on the first page of the</p> <p>16 subpoena, which is Exhibit 1 --</p> <p>17 A. Yes.</p> <p>18 Q. -- the return date was for April 2014.</p> <p>19 A. Then I would have searched this year.</p> <p>20 Q. Did you previously search your Gmail account</p> <p>21 for documents in the prior litigation?</p> <p>22 MS. DONNELLY: Objection. Form.</p> <p>23 A. I just don't recall. It's been a long time.</p> <p>24 Q. (BY MS. BALDWIN) And when you were doing</p> <p>25 that search, did you use particular search terms or</p>
<p style="text-align: right;">14</p> <p>1 searched my computer.</p> <p>2 Q. And what did Mr. Gibbs -- let me start over.</p> <p>3 Did Mr. Gibbs provide you the instructions of</p> <p>4 what to search for and how to search your computer?</p> <p>5 A. I believe so. Not certain, but I believe</p> <p>6 that that's who I talked with.</p> <p>7 Q. And what were those instructions?</p> <p>8 A. Can't recall.</p> <p>9 Q. Were they conveyed orally?</p> <p>10 A. Yes. I believe so. I mean, I know that I</p> <p>11 talked to him. I don't know if he -- I don't think he</p> <p>12 sent me anything in writing, but I'm not positive.</p> <p>13 Q. And do you remember, in general, what he told</p> <p>14 you to search for?</p> <p>15 A. I really don't know the -- I really can't</p> <p>16 answer the question. I don't recall exactly</p> <p>17 what -- whatever he asked for at the time, that's what</p> <p>18 I searched for.</p> <p>19 Q. And where did you search? Did you search</p> <p>20 your personal e-mail address?</p> <p>21 A. That's the only area that I searched.</p> <p>22 Q. Okay. And what e-mail address is that?</p> <p>23 A. Danpatrick700@gmail.</p> <p>24 Q. Okay. And so any other searches would have</p> <p>25 been carried out of other sources by your staff; is</p>	<p style="text-align: right;">16</p> <p>1 did you look message by message? How did you do that?</p> <p>2 A. I don't recall.</p> <p>3 Q. Do you keep everything that you receive in</p> <p>4 your Gmail account?</p> <p>5 A. No.</p> <p>6 Q. What -- do you have a regular process on when</p> <p>7 you delete things from your Gmail account?</p> <p>8 A. Not a regular process, but on a fairly</p> <p>9 frequent basis.</p> <p>10 Q. What do you mean by "fairly frequent"?</p> <p>11 A. Could be once a month, could be every couple</p> <p>12 of months.</p> <p>13 Q. And so if you searched for documents in this</p> <p>14 case in 2014, is it likely that many e-mails from 2011</p> <p>15 you would no longer have?</p> <p>16 A. Repeat the question.</p> <p>17 MS. BALDWIN: Can you read that back.</p> <p>18 THE REPORTER: "And so if you searched</p> <p>19 for documents in this case in 2014, is it likely that</p> <p>20 many e-mails from 2011 you would no longer have?"</p> <p>21 A. It depends on the subject.</p> <p>22 Q. (BY MS. BALDWIN) For e-mails related to</p> <p>23 SB 14, is it likely that there were some e-mails that</p> <p>24 you either sent or received in 2011 that you would no</p> <p>25 longer have today in your Gmail account?</p>

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<p style="text-align: right;">17</p> <p>1 A. It's possible.</p> <p>2 Q. Did you ever receive a request from the</p> <p>3 Attorney General's Office not to delete any documents</p> <p>4 related to the subject matter of SB 14?</p> <p>5 A. I don't recall.</p> <p>6 Q. You don't recall seeing anything like that in</p> <p>7 writing asking you not to delete anything?</p> <p>8 A. Before this request or after?</p> <p>9 Q. At any time.</p> <p>10 A. I don't recall. I mean, I don't recall.</p> <p>11 Q. Is it likely if you had received something</p> <p>12 like that you would remember it?</p> <p>13 A. No.</p> <p>14 Q. Would it be important to you to comply with a</p> <p>15 request not to delete e-mails?</p> <p>16 A. Yes.</p> <p>17 Q. And so if it would be important to you to</p> <p>18 comply with that, is it likely that you would, in</p> <p>19 fact, remember it?</p> <p>20 A. No. I mean, I don't know what else to tell</p> <p>21 you. It would be important that I would follow the</p> <p>22 instructions, but I don't recall if --</p> <p>23 Q. But you don't recall actually receiving</p> <p>24 those, is your point?</p> <p>25 A. Right.</p>	<p style="text-align: right;">19</p> <p>1 A. Not that I recall.</p> <p>2 Something I'd like to clarify so that you</p> <p>3 have an understanding of this that may help moving</p> <p>4 forward, even though I was listed as an author of the</p> <p>5 bill, I didn't write the bill, nor was I an active</p> <p>6 author.</p> <p>7 So that you understand the process, when a</p> <p>8 senator files a bill, you take the paperwork to the</p> <p>9 clerk and you can submit it and you're the author.</p> <p>10 You then can go to other senators and say, "Would you</p> <p>11 like to co-author the bill with me?" It means we</p> <p>12 support the bill, and we add our name to it.</p> <p>13 We also have a process from time to time</p> <p>14 where senators, before they file the bill, they're the</p> <p>15 author of it. They will ask other senators, "Would</p> <p>16 you like to be, not a co-author, but in essence a</p> <p>17 joint author?"</p> <p>18 Because there was some confusion on that in</p> <p>19 my last deposition on this because, quite frankly, I</p> <p>20 didn't even remember that had happened.</p> <p>21 So Senator Fraser, who was the author of the</p> <p>22 bill and did the work on the bill -- apparently, I had</p> <p>23 forgotten -- had gone to the senators before he filed</p> <p>24 it and allowed members to be authors.</p> <p>25 So my involvement of the bill, outside of an</p>
<p style="text-align: right;">18</p> <p>1 Q. If we could look back at the specifics of the</p> <p>2 actual document request --</p> <p>3 A. Which page?</p> <p>4 Q. -- on page 4.</p> <p>5 A. All right.</p> <p>6 Q. Number 3 is a request for "All documents</p> <p>7 related to any calculations, reports, audits,</p> <p>8 estimates, projections, or other analyses related to</p> <p>9 the effect that SB 14 imposes, or that SB 14 was</p> <p>10 projected to impose, upon minority voters or on voters</p> <p>11 who are members of a language minority group, from</p> <p>12 December 1, 2010, through May 27, 2011."</p> <p>13 Did you have any documents that were</p> <p>14 responsive to that request?</p> <p>15 A. Not that I recall.</p> <p>16 Q. What about Number 4: "All documents related</p> <p>17 to any calculations, reports, estimates, projections,</p> <p>18 or other analyses related to the impact of SB 14 on</p> <p>19 voter turnout or voter registration," did you have any</p> <p>20 documents responsive to that request?</p> <p>21 A. Not that I recall.</p> <p>22 Q. And have you ever had, not just presently</p> <p>23 that you would maintain them, but have you ever had</p> <p>24 any documents that would have been responsive to those</p> <p>25 requests in your possession?</p>	<p style="text-align: right;">20</p> <p>1 amendment, was primarily listening to testimony and</p> <p>2 voting for the bill. So that's why -- and I don't</p> <p>3 recall that I ever had these documents. But I</p> <p>4 would -- this is totally different than a bill that I</p> <p>5 would actually be the author of.</p> <p>6 As chairman of education, this session, for</p> <p>7 example, I authored a number of bills and I would have</p> <p>8 documents related to those more than I would have in</p> <p>9 this case. So I have -- I would have had probably</p> <p>10 little, if any, of those types of documents.</p> <p>11 So I just want you to understand that process</p> <p>12 because it was confusing in the last deposition and we</p> <p>13 didn't really I think clarify that with the attorneys</p> <p>14 asking the questions until in the middle of the day.</p> <p>15 So if that will be helpful, going along.</p> <p>16 Q. Thank you. I appreciate that.</p> <p>17 A. Okay.</p> <p>18 Q. So that I understand, for SB 14, you were</p> <p>19 listed as effectively a joint author on the prefiling</p> <p>20 end, but it was Senator Fraser who had actually</p> <p>21 authored the bill; is that your testimony?</p> <p>22 A. Correct.</p> <p>23 Q. And so just so I have the terminology</p> <p>24 correct, it would be most accurate to call you a joint</p> <p>25 author rather than co-author?</p>

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<p style="text-align: right;">21</p> <p>1 A. You could call me a joint author or an 2 author. 3 Q. Okay. 4 A. There is a difference between, again, being a 5 co-author. 6 Q. Okay. And what's the difference between an 7 author versus co-author? Is that just the before 8 filing/after filing distinction? 9 A. That's really the -- that's the distinction. 10 Q. Okay. Thank you. 11 And just to wrap up the topics on the 12 document subpoena, if you could look on page 5, topics 13 Number 8, and 9. 14 A. Yes. 15 Q. Topic Number 8 is: "All documents related to 16 any calculations, reports, audits, estimates, 17 projections, or other analyses related to the effect 18 that voter identification requirements impose upon 19 minority voters or voters who are members of a 20 language minority group, from January 1, 2005, through 21 November 30, 2010." 22 Is it correct that you've never had any 23 documents on that topic in your possession as far as 24 you're aware? 25 A. Yeah, I don't recall if I did or did not.</p>	<p style="text-align: right;">23</p> <p>1 I would have very many documents or e-mails or 2 anything else since 2011 to begin with. 3 Q. And is that because of a general document 4 retention policy that you have -- I mean, once -- let 5 me ask that differently. 6 Once a bill has been voted on and the session 7 has ended, what do you normally do with the working 8 files related to that bill? 9 A. Well, it would -- it would depend on our 10 involvement in the bill. If we were just voting for 11 the bill, we might not have any documents except 12 something that, if you were a senator, you may have 13 sent me. 14 And then we would have the bill book, which 15 would be in the Senate Journal. You would have copies 16 or access to that, which would be the actual 17 legislation. We wouldn't keep that in our office. 18 So it would only be maybe correspondence with 19 a constituent or something, "Why did you vote for 20 that?", or "Why did you vote against it?", or -- but 21 it wouldn't be -- it wouldn't be a volume of 22 documents. 23 And to further help you understand the 24 process, so that you know -- so that you know I'm 25 being as candid as I can be on this -- is last</p>
<p style="text-align: right;">22</p> <p>1 Q. And the same with respect to 9: "All 2 documents related to any calculations, reports, 3 estimates, projections, or any other analyses related 4 to the impact of voter identification requirements on 5 voter turnout or voter registration, from January 1, 6 2005, through November 30, 2010." 7 A. I don't recall. 8 Q. You didn't produce any documents on that 9 topic, correct? 10 A. You know, that, I don't even -- I -- I don't 11 recall, and I -- if I did, I haven't seen them since. 12 Q. Okay. But you're not aware of ever even 13 having any documents on topic Number 9; is that 14 correct? 15 A. Yeah, again, I don't recall that I did or did 16 not. 17 Another point for you to note -- just to help 18 us move through this -- that once a bill is passed, I 19 don't want to say that the file closes on it, but you 20 move on. We cast somewhere in the neighborhood of 21 3500 to 4,000 votes a session, pass maybe a thousand 22 bills, give or take a few hundred. 23 So whether I'm an author, a co-author, or 24 just someone who voted for or against a bill, once 25 that's gone, you move on. So I would not expect that</p>	<p style="text-align: right;">24</p> <p>1 session, for example, I was chair of education on 2 higher education, criminal justice, transportation, 3 redistrict -- redistricting, Sunset and finance. 4 So, literally, we take the issues as we take 5 them and then we move on, and there's -- for me, 6 personally, and I -- you know, I can't speak for other 7 senators, but you move forward. 8 Q. And so if you had received constituent 9 correspondence, would that be maintained indefinitely 10 or would you get rid of that once the issue is done? 11 A. I don't know what the -- the procedure is on 12 that, how long those are retained. 13 Q. Is that a -- something that each legislative 14 office sets? 15 A. I don't know. I don't know. 16 Q. To get a little bit more of your background, 17 Senator Patrick, could you tell me how long you've 18 served in the Senate? 19 A. Since 2007 was my first session. 20 Q. And so you first ran in 2006? 21 A. Correct. 22 Q. And had you ever run for public office before 23 that? 24 A. No. 25 Q. And you represent Senate District 7; is that</p>

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<p style="text-align: right;">25</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And what areas of Texas are included in that?</p> <p>4 A. It's all confined to one county, Harris</p> <p>5 County, and it's primarily west Harris County</p> <p>6 with -- with a little bit -- an area a little towards</p> <p>7 the city. Since then we've had redistricting and my</p> <p>8 district has changed a little bit. I have less of the</p> <p>9 city as population has shifted. But it's primarily</p> <p>10 west Harris County.</p> <p>11 Q. And what are the racial demographics of your</p> <p>12 district?</p> <p>13 A. I don't know specifically.</p> <p>14 Q. Do you know generally?</p> <p>15 A. I really have not seen data in a while on</p> <p>16 that. I -- you know, I believe that -- I -- it seems</p> <p>17 to me I recall seeing data at some point it was in the</p> <p>18 30 percent minority, but I'm not positive.</p> <p>19 Q. Okay. And when you say "30 percent</p> <p>20 minority," does that include both African-Americans</p> <p>21 and Latinos?</p> <p>22 A. Yes. Again, it seems to me I either read</p> <p>23 that or heard it somewhere, and I don't know if that</p> <p>24 was 2007 or 2010, or when that was last, but...</p> <p>25 Q. And you mentioned earlier that you're on the</p>	<p style="text-align: right;">27</p> <p>1 A. Sorry.</p> <p>2 Q. Trying to use the terminology as well.</p> <p>3 A. Yeah, I know. This session, did I sponsor</p> <p>4 any election-related law? I don't recall. I</p> <p>5 think -- I believe I sponsored 70 or 80 bills, but I</p> <p>6 don't recall.</p> <p>7 Q. And do you have any leadership roles in the</p> <p>8 Senate during the time that you served?</p> <p>9 A. Just chair of education.</p> <p>10 Q. Okay. And is there a Tea Party caucus in the</p> <p>11 Senate?</p> <p>12 A. Oh, yes. Yes. I'm chair of the Tea Party</p> <p>13 caucus.</p> <p>14 Q. Okay.</p> <p>15 A. Yes.</p> <p>16 Q. And what does that role involve?</p> <p>17 A. It was we would meet with constituents,</p> <p>18 grassroots folks, maybe once a month during session,</p> <p>19 so maybe -- and not every month, but maybe four or</p> <p>20 five times, usually on a Sunday. That was the only</p> <p>21 time we really could meet for a couple of hours and</p> <p>22 listen to their thoughts and we would share our</p> <p>23 thoughts. It was more of a listening.</p> <p>24 Q. And were those organizations both from within</p> <p>25 your district and other parts of the state?</p>
<p style="text-align: right;">26</p> <p>1 Redistricting Committee?</p> <p>2 A. I was.</p> <p>3 Q. Okay. And was looking at demographic</p> <p>4 information of various districts, including your own,</p> <p>5 something that you did as part of your role in the</p> <p>6 Redistricting Committee?</p> <p>7 A. My role was very small in that committee.</p> <p>8 That was primarily handled by the chairman.</p> <p>9 Q. But regardless of how large your role was,</p> <p>10 was looking at demographic data something that you did</p> <p>11 as part of your work on the Redistricting Committee?</p> <p>12 A. It probably was at some point. Again, that's</p> <p>13 been several years, so I don't -- I don't recall.</p> <p>14 Q. Before redistricting, was your district</p> <p>15 majority Anglo?</p> <p>16 A. Yes.</p> <p>17 Q. And it was after redistricting as well?</p> <p>18 A. Yes.</p> <p>19 Q. And do you know if it became more or less so?</p> <p>20 A. I don't know.</p> <p>21 Q. During the 83rd session of the Texas</p> <p>22 legislature, have you sponsored any election-related</p> <p>23 or voter-related bills?</p> <p>24 A. Which year was the 83rd?</p> <p>25 Q. This most recent.</p>	<p style="text-align: right;">28</p> <p>1 A. Statewide.</p> <p>2 Q. Statewide. And is chair of the Tea Party</p> <p>3 caucus an elected position within the caucus? I</p> <p>4 mean --</p> <p>5 A. Yes.</p> <p>6 Q. And how many members of the Senate were also</p> <p>7 members of the caucus?</p> <p>8 A. Only -- one for sure. Maybe one or two more.</p> <p>9 I don't recall.</p> <p>10 Q. And who were those?</p> <p>11 A. I said one for sure. I believe it was</p> <p>12 Senator Birdwell, but not -- now I'm not positive, but</p> <p>13 I believe so.</p> <p>14 Q. Okay. And the other senator who you think</p> <p>15 may have been?</p> <p>16 A. Might have been -- you know, there's a</p> <p>17 difference between people who join and actually</p> <p>18 participate, so that's what I'm trying to remember.</p> <p>19 There may have -- maybe Senator Campbell, but I'm</p> <p>20 not -- I'd have to go back. I don't recall.</p> <p>21 Q. Was --</p> <p>22 A. It was mostly House -- I'm sorry,</p> <p>23 mostly -- there were more House members.</p> <p>24 Q. Okay. So the caucus included both members of</p> <p>25 the House and of the Senate?</p>

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<p style="text-align: right;">29</p> <p>1 A. Correct.</p> <p>2 Q. And did you work with members of the House to</p> <p>3 advance legislation regardless of which chamber it was</p> <p>4 currently in?</p> <p>5 A. We do that regardless of caucus work. That's</p> <p>6 a -- we work with them and they work with us on a</p> <p>7 variety of bills.</p> <p>8 Q. But did the Tea Party caucus in particular</p> <p>9 work across chambers to pass and promote legislation?</p> <p>10 A. I don't believe, and I can always be</p> <p>11 corrected, but -- on this, I don't believe that there</p> <p>12 was ever a bill that was generated out of a caucus</p> <p>13 meeting that I carried or they carried. It was more</p> <p>14 of listening to what voters had to say in this case</p> <p>15 and sharing with them what we were working on.</p> <p>16 So it was more of an -- more of an update on</p> <p>17 what was happening than it was working on legislation.</p> <p>18 The legislation that we worked on, we would have been</p> <p>19 working on regardless.</p> <p>20 Q. Right. But the conversations were designed</p> <p>21 to advance legislation that you were working on; is</p> <p>22 that fair to say?</p> <p>23 A. I don't know that I would characterize it</p> <p>24 that way. We just discussed legislation.</p> <p>25 Q. That you were supporting?</p>	<p style="text-align: right;">31</p> <p>1 A. With all that, I -- you know, I don't recall.</p> <p>2 What I do remember is what I -- what I believe is</p> <p>3 accurate, and I can be corrected, the Tea Party caucus</p> <p>4 was formed in -- sometime right before the -- that</p> <p>5 would have been the 82nd session, I guess.</p> <p>6 MR. DYER: 2011.</p> <p>7 THE WITNESS: Okay. I can never</p> <p>8 remember those.</p> <p>9 A. Maybe in December was our first meeting. I</p> <p>10 believe we took up voter ID in January. So I'm not</p> <p>11 sure that we ever -- that that was actually a topic.</p> <p>12 Could have been. I -- I mean, I don't really recall,</p> <p>13 but that would have been very early on, so...</p> <p>14 Q. (BY MS. BALDWIN) So you don't have any</p> <p>15 specific recollections of any conversation during Tea</p> <p>16 Party caucus meetings about the subject of voter ID</p> <p>17 legislation?</p> <p>18 A. Nothing -- nothing specific.</p> <p>19 Q. Anything general?</p> <p>20 A. No. I mean, I don't recall anything general.</p> <p>21 We may have talked about it. We may not have. Again,</p> <p>22 I think we had one -- maybe one organizational meeting</p> <p>23 in -- in December right before a session. But we may</p> <p>24 not have met until after the bill had already passed</p> <p>25 the first time. I just don't recall.</p>
<p style="text-align: right;">30</p> <p>1 A. Not always.</p> <p>2 Q. But you did discuss legislation that you were</p> <p>3 supporting?</p> <p>4 A. Sure.</p> <p>5 Q. And did you have any discussions about voter</p> <p>6 ID with the Tea Party caucus?</p> <p>7 MS. DONNELLY: I'm going to assert</p> <p>8 legislative privilege to that question.</p> <p>9 As to communications other members of</p> <p>10 the legislature had with you privately, please don't</p> <p>11 discuss that. It is their privilege to waive. You</p> <p>12 can talk about what was public statements. You can</p> <p>13 also talk about your own statements under seal</p> <p>14 pursuant to the judge's order, but please do not</p> <p>15 divulge communications that other members of the</p> <p>16 legislature made to you privately.</p> <p>17 Subject to that objection, go ahead and</p> <p>18 answer.</p> <p>19 A. Would you repeat the question for me?</p> <p>20 MS. DONNELLY: Sorry.</p> <p>21 THE WITNESS: That's all right.</p> <p>22 MS. BALDWIN: Could you repeat the</p> <p>23 question.</p> <p>24 THE REPORTER: "And did you have any</p> <p>25 discussions about voter ID with the Tea Party caucus?"</p>	<p style="text-align: right;">32</p> <p>1 Q. But even after the bill had passed the</p> <p>2 Senate, when it was still moving through the House, do</p> <p>3 you recall any meetings with the Tea Party caucus</p> <p>4 about the bill at that point?</p> <p>5 A. You know, I don't.</p> <p>6 Q. And, Senator Patrick, you're currently</p> <p>7 running for statewide office --</p> <p>8 A. Yes.</p> <p>9 Q. -- in Texas?</p> <p>10 A. Yes.</p> <p>11 Q. You're running for lieutenant governor,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Are you employed in a capacity other than as</p> <p>15 a Texas senator?</p> <p>16 A. I need to be.</p> <p>17 Q. And who is your employer?</p> <p>18 A. Patrick Broadcasting.</p> <p>19 Q. Okay. And what's your title at Patrick</p> <p>20 Broadcasting?</p> <p>21 A. I'm not sure, but I think I'm the general</p> <p>22 manager or president. It's my company.</p> <p>23 Q. He who wears all hats?</p> <p>24 A. Yes.</p> <p>25 Q. And what are your responsibilities at Patrick</p>

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<p style="text-align: right;">33</p> <p>1 Broadcasting?</p> <p>2 A. Operating the businesses as any owner would,</p> <p>3 being responsible for hiring. Not directly. I have</p> <p>4 staff that does that. But, I mean, being responsible</p> <p>5 for staff, being responsible for the success of the</p> <p>6 business, overseeing -- it's a radio station --</p> <p>7 overseeing our on-air product and -- everything from</p> <p>8 vacuuming the floor, if needed, to call on clients, to</p> <p>9 being on the air, which I'm not very often</p> <p>10 as -- because of candidate rules.</p> <p>11 Q. Okay. Prior to running for statewide office,</p> <p>12 were you regularly on the air even during the time</p> <p>13 that you were serving in the Texas Senate?</p> <p>14 A. I was regularly on the air. Once I was</p> <p>15 elected in '07, that time slowly but surely diminished</p> <p>16 as my responsibilities increased.</p> <p>17 Q. Okay. So during the time that the</p> <p>18 legislature wasn't in session, did you have a regular</p> <p>19 on-air --</p> <p>20 A. Yes.</p> <p>21 Q. -- time?</p> <p>22 A. I'm sorry. Yes.</p> <p>23 Q. And what about when the legislature was in</p> <p>24 session, did you...?</p> <p>25 A. The last two sessions, maybe the last</p>	<p style="text-align: right;">35</p> <p>1 Texas. If you look at the polling, I believe at one</p> <p>2 point 90 percent of Texan voters -- which would be</p> <p>3 Republicans, Democrats, Independents -- were in</p> <p>4 support of it. I believe I saw a poll with that. But</p> <p>5 it was a very high percentage.</p> <p>6 But it was no more or -- I wouldn't say no</p> <p>7 less, but there were many important issues. It was</p> <p>8 one of many issues that people would talk about. And</p> <p>9 some of that was not so much seasonal, but, you know,</p> <p>10 talk radio is often driven by the headlines in the</p> <p>11 news. So it might be a hot topic if there was a story</p> <p>12 and then it might not be discussed for months.</p> <p>13 Q. But you would say that the issue of voter ID</p> <p>14 was important to your listeners on the radio?</p> <p>15 A. I believe the issue of photo voter ID -- I</p> <p>16 know we talked about that early -- to be clear, was</p> <p>17 important to, apparently -- based on some polls that I</p> <p>18 read in the papers and saw somewhere -- 80, 90 percent</p> <p>19 of the people in Texas.</p> <p>20 Q. Separating out the question of the polls,</p> <p>21 though, just from your sense as both a politician and</p> <p>22 in this dual role as a broadcaster, did you get a</p> <p>23 sense from your callers that voter ID was an</p> <p>24 important issue -- photo voter ID was an important</p> <p>25 issue to them?</p>
<p style="text-align: right;">34</p> <p>1 three -- I was not as busy in 7th or freshman, so I</p> <p>2 was able to be on a bit more. But the last several</p> <p>3 sessions, I've just not been able to be on. You know,</p> <p>4 I would call in as a guest, but -- try to do a show on</p> <p>5 occasion, but not very often.</p> <p>6 Q. And so it was your show essentially?</p> <p>7 A. It was. But I was like Johnny Carson at the</p> <p>8 end of his career, seldom there.</p> <p>9 Q. Okay. And would you describe it as a</p> <p>10 political talk show?</p> <p>11 A. Yes.</p> <p>12 Q. And a conservative political talk show?</p> <p>13 A. Yes.</p> <p>14 Q. Did listeners call in? I mean, what was the</p> <p>15 general kind of format?</p> <p>16 A. Hopefully. Or I just talked to myself for a</p> <p>17 couple of hours.</p> <p>18 Q. Got it.</p> <p>19 Was voter ID something that you talked about</p> <p>20 on the air?</p> <p>21 A. I'm sure we did.</p> <p>22 Q. Yeah. Was voter ID an important issue to you</p> <p>23 as a Texas senator?</p> <p>24 A. It was an important issue to listeners. It</p> <p>25 was an important issue to voters and citizens in</p>	<p style="text-align: right;">36</p> <p>1 MS. DONNELLY: Objection. Form.</p> <p>2 Go ahead.</p> <p>3 A. In my view, the issue of photo voter ID was</p> <p>4 important, but so were a number of other issues.</p> <p>5 Q. (BY MS. BALDWIN) When you say "a number of</p> <p>6 other issues," are we talking about maybe three or</p> <p>7 four? I mean, how many other issues would you say</p> <p>8 were of similar importance?</p> <p>9 MS. DONNELLY: I'm going to object to</p> <p>10 form.</p> <p>11 THE WITNESS: So do you want her to</p> <p>12 restate that?</p> <p>13 MS. DONNELLY: You can answer if you</p> <p>14 know. It's vague. It's confusing. You can answer if</p> <p>15 you have an answer.</p> <p>16 A. I would -- I would say more than two or</p> <p>17 three. There are, again, depending -- you know, you</p> <p>18 have a broad -- it's a broad constituency. And for</p> <p>19 some people, some issues are very -- there may be</p> <p>20 issues to you that are very important, but to -- you</p> <p>21 know, are -- it's not the most important. So there</p> <p>22 are many issues.</p> <p>23 As we like to say in the legislature, any</p> <p>24 bill that passes is really important to someone. We</p> <p>25 may look at bills as -- we may say, "Well, that's a</p>

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<p style="text-align: right;">37</p> <p>1 really important bill," and that's -- and one of the</p> <p>2 things that I learned early on, and I think any</p> <p>3 legislator would tell you, that any bill that passes</p> <p>4 is important to someone. So there are lots of</p> <p>5 important bills.</p> <p>6 Q. (BY MS. BALDWIN) Do you think that the</p> <p>7 grassroots support for photo voter ID was important to</p> <p>8 passing the bill ultimately?</p> <p>9 MS. DONNELLY: Objection. Form.</p> <p>10 You can answer.</p> <p>11 A. I think that -- when you say "grassroots,"</p> <p>12 what do you mean by "grassroots"?</p> <p>13 Q. (BY MS. BALDWIN) Do you think the support of</p> <p>14 regular people who -- the callers to your show, for</p> <p>15 example, the broad base of support -- let me strike</p> <p>16 that.</p> <p>17 Let me just switch topics a little bit.</p> <p>18 A. Sure.</p> <p>19 Q. You mentioned some polling that you were</p> <p>20 aware of. Did you ever see the specific poll</p> <p>21 questions that you're referring to that reflected a</p> <p>22 particular level of support for photo voter ID?</p> <p>23 A. I would imagine that I read the questions in</p> <p>24 a newspaper article. Did I see the actual poll? Only</p> <p>25 as it would have been reported, to my knowledge. I've</p>	<p style="text-align: right;">39</p> <p>1 A. The number of people interviewed? I don't</p> <p>2 recall.</p> <p>3 Q. And do you have any idea of how they did the</p> <p>4 sampling to ensure that the population of people they</p> <p>5 were talking to is a representative sample?</p> <p>6 A. No.</p> <p>7 Q. So you just know the results, you don't</p> <p>8 really understand any separate way to measure the</p> <p>9 validity of the survey; is that fair to say?</p> <p>10 MS. DONNELLY: Objection. Form.</p> <p>11 A. I wouldn't -- that's how you're</p> <p>12 characterizing it. I wouldn't characterize it that</p> <p>13 way. I just don't know the makeup of the poll.</p> <p>14 Q. (BY MS. BALDWIN) Do you know who conducted</p> <p>15 the poll?</p> <p>16 A. I did see one poll by Baseline, Mike</p> <p>17 Baseline. I don't know who did the other polls that</p> <p>18 were reported on by the media.</p> <p>19 Q. Would you agree that the way the polling</p> <p>20 questions are asked is sometimes important to what</p> <p>21 response is given?</p> <p>22 A. That's the way you're characterizing that. I</p> <p>23 would not characterize it that way.</p> <p>24 Q. In general.</p> <p>25 A. I don't know.</p>
<p style="text-align: right;">38</p> <p>1 seen results of polling.</p> <p>2 But there were frequent articles, as I</p> <p>3 recall, in the newspapers at the time, or online</p> <p>4 somewhere, because this issue went on a number of</p> <p>5 years, as you know, that would -- it was usually</p> <p>6 always the same, that the vast majority of</p> <p>7 Republicans, Democrats, and Independents, supported</p> <p>8 the legislation.</p> <p>9 Q. And do you know if that poll ever asked, "Do</p> <p>10 you support photo ID that requires voters to have...",</p> <p>11 and then listed specific forms of identification?</p> <p>12 A. I don't.</p> <p>13 Q. And do you know if the poll question said,</p> <p>14 "Would you still support photo ID even if you knew</p> <p>15 that racial minorities were disproportionately less</p> <p>16 likely to have acceptable ID? Do you know if that was</p> <p>17 part of the polling?"</p> <p>18 MS. DONNELLY: Objection to the form of</p> <p>19 the question.</p> <p>20 You can answer. Go ahead.</p> <p>21 A. I wouldn't know.</p> <p>22 Q. (BY MS. BALDWIN) Do you know what the</p> <p>23 response rate was for any of those polls, overall?</p> <p>24 A. What the response rate was?</p> <p>25 Q. Yeah.</p>	<p style="text-align: right;">40</p> <p>1 Q. Do you think that all polls are -- fairly</p> <p>2 represent the actual opinion of the population?</p> <p>3 A. It depends on the poll.</p> <p>4 Q. Can polls be used unfairly for political</p> <p>5 ends?</p> <p>6 A. Don't know.</p> <p>7 Q. Do you have any experience with that as a</p> <p>8 candidate?</p> <p>9 A. Not really.</p> <p>10 Q. Are you familiar with the term "push poll"?</p> <p>11 A. Yes.</p> <p>12 Q. What do you understand by the term "push</p> <p>13 poll"?</p> <p>14 A. Push poll, you would ask questions in a way</p> <p>15 to solicit answers in a particular way.</p> <p>16 Q. And you don't know whether any of the numbers</p> <p>17 that you're referring to would be more accurately</p> <p>18 characterized as push polls or not; is that fair?</p> <p>19 A. Correct, I would not know.</p> <p>20 Q. Do you currently hold a Texas driver's</p> <p>21 license, Senator Patrick?</p> <p>22 A. Yes.</p> <p>23 Q. And do you recall when you last renewed your</p> <p>24 driver's license?</p> <p>25 A. No.</p>

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<p style="text-align: right;">41</p> <p>1 Q. Do you recall whether you did that in person?</p> <p>2 A. I don't recall. I believe the law states,</p> <p>3 and I'm not certain, that you renew online and every</p> <p>4 so many years you do it in person. So I don't recall</p> <p>5 when I last renewed it, how I renewed it.</p> <p>6 Q. Do you recall the last time you went to a DPS</p> <p>7 office?</p> <p>8 A. No.</p> <p>9 Q. No recollection of renewing a driver's</p> <p>10 license or getting it initially at DPS?</p> <p>11 A. At some point I went to a DPS office, but I</p> <p>12 just don't remember one.</p> <p>13 Q. Do you recall having to wait ever at a DPS</p> <p>14 office for services that you were there to receive?</p> <p>15 A. Not -- I don't recall a long wait. I mean,</p> <p>16 I'm trying to actually think of the last time. I just</p> <p>17 don't recall.</p> <p>18 Q. Do you know how far away the closest DPS</p> <p>19 office is from, say, your house?</p> <p>20 A. Not exactly.</p> <p>21 Q. Do you know how you would get there if you</p> <p>22 didn't have a car?</p> <p>23 A. How would I get there if I didn't have a car?</p> <p>24 Q. Uh-huh.</p> <p>25 A. I would ask a friend.</p>	<p style="text-align: right;">43</p> <p>1 Q. (BY MS. BALDWIN) Let me try it one more time.</p> <p>2 A. I'm trying to follow you and I want to get</p> <p>3 this right.</p> <p>4 Q. Can the majority of your constituents reach a</p> <p>5 DPS office using public transportation, to the best of</p> <p>6 your knowledge?</p> <p>7 MS. DONNELLY: Please don't speculate.</p> <p>8 A. Probably -- probably not.</p> <p>9 Q. (BY MS. BALDWIN) When was the last time you</p> <p>10 voted, Senator Patrick?</p> <p>11 A. This past runoff.</p> <p>12 Q. And did you vote on election day?</p> <p>13 A. No, I don't believe --</p> <p>14 MR. DERFNER: Could you speak up a</p> <p>15 little bit?</p> <p>16 THE WITNESS: Yes.</p> <p>17 A. Did I vote on election day? I don't believe</p> <p>18 I did. I believe I voted early.</p> <p>19 Q. (BY MS. BALDWIN) Did you vote in person</p> <p>20 early?</p> <p>21 A. I voted in person and I believe it was early.</p> <p>22 Q. And do you prefer to vote in person?</p> <p>23 A. If you're under 65, which I still can claim</p> <p>24 that title, and unless you're away and get a waiver,</p> <p>25 you vote in person.</p>
<p style="text-align: right;">42</p> <p>1 Q. Do you know, is the DPS office accessible by</p> <p>2 public transportation from your house?</p> <p>3 A. I would think not.</p> <p>4 Q. Do you think -- is that pretty common in your</p> <p>5 district, that to get from residential areas to the</p> <p>6 DPS office there is public transportation?</p> <p>7 A. Did -- repeat that again, how you said that.</p> <p>8 THE REPORTER: "Do you think -- is that</p> <p>9 pretty common in your district, that to get from</p> <p>10 residential areas to the DPS office there is public</p> <p>11 transportation?"</p> <p>12 MS. BALDWIN: Is not public</p> <p>13 transportation.</p> <p>14 THE REPORTER: Is not?</p> <p>15 MS. DONNELLY: Wait. This is getting</p> <p>16 confusing. Start over.</p> <p>17 Q. (BY MS. BALDWIN) Okay. Let me start over.</p> <p>18 A. Okay.</p> <p>19 Q. Would you agree that it's more common than</p> <p>20 not in your district for there not to be public</p> <p>21 transportation to get to the DPS office?</p> <p>22 MS. DONNELLY: Object. Form.</p> <p>23 If you understand it, you can answer.</p> <p>24 A. I'm slightly confused, but I think I</p> <p>25 understand what you're trying to ask me.</p>	<p style="text-align: right;">44</p> <p>1 Q. Do you have a copy of your birth certificate,</p> <p>2 Senator Patrick?</p> <p>3 A. I'm not sure. I think I do, but not sure.</p> <p>4 Q. And do you know, does your birth certificate</p> <p>5 reflect your current name?</p> <p>6 A. If it reflects a name, it would not be my</p> <p>7 current name because I changed my name. But I don't</p> <p>8 know if it has my name on it or not. I haven't seen</p> <p>9 it in a long time.</p> <p>10 Q. Do you know how you would get a copy of it if</p> <p>11 you needed it?</p> <p>12 A. I would find out.</p> <p>13 Q. And how would you go about doing that?</p> <p>14 A. I would make a call to the city of my birth,</p> <p>15 which was Baltimore, and I would find out how to get a</p> <p>16 copy of a birth certificate.</p> <p>17 Q. And do you know how much that would cost?</p> <p>18 A. No.</p> <p>19 Q. And do you know if there would be any</p> <p>20 additional fees to update your name on your birth</p> <p>21 certificate?</p> <p>22 A. Don't know that.</p> <p>23 Q. Prior to the passage of SB 14, do you know</p> <p>24 how a voter's identity was verified at the polls in</p> <p>25 Texas?</p>

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12 (Pages 45 to 48)

<p style="text-align: right;">45</p> <p>1 A. No.</p> <p>2 Q. I'm going to represent to you that prior to</p> <p>3 the passage of SB 14, voters could receive and vote a</p> <p>4 regular ballot by showing their voter registration</p> <p>5 card and providing their signature.</p> <p>6 In your opinion was showing a voter</p> <p>7 registration card and providing a signature at the</p> <p>8 polls an adequate way to verify a voter's identity?</p> <p>9 MS. DONNELLY: You're asking him based</p> <p>10 upon your representation?</p> <p>11 MS. BALDWIN: Yes.</p> <p>12 MS. DONNELLY: You can answer if you</p> <p>13 understand.</p> <p>14 A. Would you -- would you repeat that for me?</p> <p>15 Q. (BY MS. BALDWIN) In your opinion, was showing</p> <p>16 a voter registration card and providing a signature at</p> <p>17 the polls an adequate way to verify a voter's</p> <p>18 identity?</p> <p>19 A. No.</p> <p>20 Q. Why is that?</p> <p>21 A. Because there was no proof of -- that you</p> <p>22 were that person.</p> <p>23 Q. So having a voter registration card didn't</p> <p>24 prove that you were the person. Why is that?</p> <p>25 A. Because there was no proof, simply because I</p>	<p style="text-align: right;">47</p> <p>1 MS. DONNELLY: Objection. Form.</p> <p>2 You can answer.</p> <p>3 A. I really don't understand the question.</p> <p>4 Q. (BY MS. BALDWIN) What don't you understand</p> <p>5 about it so I can try and --</p> <p>6 MS. DONNELLY: "Failed to prevent" I</p> <p>7 think is causing the problem.</p> <p>8 A. Yeah. Yeah. That's what I don't understand,</p> <p>9 failed to prevent fraud. Failed to prevent fraud is</p> <p>10 confusing to me.</p> <p>11 Q. (BY MS. BALDWIN) Sir, are you aware of any</p> <p>12 instances in which there was in-person voter</p> <p>13 impersonation under the prior system?</p> <p>14 A. Am I aware specifically, personally?</p> <p>15 Q. Yes.</p> <p>16 A. No.</p> <p>17 MR. DERFNER: Excuse me. We're fighting</p> <p>18 with this drilling outside, so could everybody speak</p> <p>19 up a little bit?</p> <p>20 MS. BALDWIN: Certainly.</p> <p>21 MS. DONNELLY: We live it with every</p> <p>22 day, so it's become white noise to me. Sorry.</p> <p>23 MR. DERFNER: I thought they were doing</p> <p>24 it just for us.</p> <p>25 MS. DONNELLY: Oh, no. Trust me.</p>
<p style="text-align: right;">46</p> <p>1 had a card in my possession, that I was the person who</p> <p>2 it was sent to or that should legally have it.</p> <p>3 Q. And what would constitute proof to you?</p> <p>4 A. What would constitute proof to me is that the</p> <p>5 name on the registration card would match a legal</p> <p>6 document with my photo on it.</p> <p>7 Q. Are you aware of instances in which voter</p> <p>8 registration cards were stolen?</p> <p>9 A. I'm not aware of anything specific.</p> <p>10 Q. Are you aware of instances in which showing a</p> <p>11 voter registration card and providing a signature had</p> <p>12 failed to prevent fraud at the polls?</p> <p>13 A. Please repeat.</p> <p>14 Q. Are you aware of any instances in which</p> <p>15 showing a voter registration card and providing a</p> <p>16 signature had failed to prevent fraud at the polls in</p> <p>17 Texas?</p> <p>18 MS. DONNELLY: Objection. Form.</p> <p>19 A. That's a really -- that's a hard question for</p> <p>20 me to answer the way you've phrased that.</p> <p>21 Q. (BY MS. BALDWIN) Are you aware of any time</p> <p>22 while the prior system was in place in which that</p> <p>23 system of showing a voter registration card and</p> <p>24 providing a signature failed to prevent</p> <p>25 in-person voter impersonation fraud?</p>	<p style="text-align: right;">48</p> <p>1 Q. (BY MS. BALDWIN) I'd like to talk about the</p> <p>2 voter ID legislation that was introduced in the Senate</p> <p>3 in 2009. Do you recall that there was photo voter ID</p> <p>4 legislation introduced in the Senate in 2009?</p> <p>5 A. I do recall that there was.</p> <p>6 (Patrick Exhibit 2 marked/introduced.)</p> <p>7 Q. (BY MS. BALDWIN) I'm going to hand you a</p> <p>8 document to be marked as Exhibit 2, and this is a</p> <p>9 nine-page document that states at the top that it is</p> <p>10 SB No. 362.</p> <p>11 MS. DONNELLY: Counsel, we've been going</p> <p>12 about an hour, so can we take a break now since you're</p> <p>13 about to shift?</p> <p>14 MS. BALDWIN: Certainly.</p> <p>15 MS. DONNELLY: Thank you.</p> <p>16 (Break.)</p> <p>17 Q. (BY MS. BALDWIN) Senator Patrick, I've handed</p> <p>18 you a document that's marked as Exhibit 2 and it's</p> <p>19 titled SB No. 362. Do you recognize this document?</p> <p>20 A. I don't recognize it, but I see that it's</p> <p>21 Senate Bill 362.</p> <p>22 Q. You voted in favor of Senate Bill 362; is</p> <p>23 that correct?</p> <p>24 A. If that's what the record reflects, yes.</p> <p>25 Q. Why did you support this bill?</p>

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13 (Pages 49 to 52)

<p style="text-align: right;">49</p> <p>1 A. You're asking me to go back and remember what 2 I was thinking about a bill five years ago, which is 3 now 12,000 votes ago roughly and maybe 3,000 bills 4 ago. I can't tell you what I was thinking 5 specifically at the time. 6 But I support photo voter ID, and if this 7 bill reflected that -- I haven't read this -- I 8 haven't read this bill in probably five years, so I 9 didn't -- haven't read it for preparation. So it was 10 obviously a bill that I felt supported what I believe 11 the vast majority of all Texans wanted us to pass. 12 Q. And is that why you supported it, because you 13 believe it reflected what you thought the majority of 14 Texans wanted, or were there other reasons why you 15 supported this bill? 16 A. I believe it's important to protect the 17 integrity of the ballot box and I believe that it was 18 the will of the people. As a legislator -- not 19 always, but much of the time -- you vote for 20 legislation that is supported by a majority of the 21 people. And in this case it was a -- what I believe 22 was a large majority of Texans from all political 23 perspectives. 24 Q. And how did you ascertain in your judgment 25 that this bill in particular was supported by a</p>	<p style="text-align: right;">51</p> <p>1 support it. But their constituents -- based on 2 polling and news stories, and interviews that I 3 received, and general knowledge -- supported it. 4 Q. (BY MS. BALDWIN) So it's your judgment that 5 even though -- let me just be clear then. So you 6 understood that no Democratic members of the Senate 7 supported SB 362; is that correct? 8 A. Supported it or voted for it? 9 Q. Voted for it. 10 A. To my recollection, the record can correct 11 it, I do not believe any Democrats voted for it. 12 Q. But you think, notwithstanding the fact that 13 no Democrats voted for it, you think their 14 constituents supported this bill in particular? 15 A. I can't speak to this bill in particular. I 16 believe that the majority of their constituents 17 support the concept. 18 Q. Would you agree that there are a lot of 19 different ways to have a photo ID bill? 20 A. You're asking me would I agree with your view 21 of that. I can't answer what you're asking me to 22 agree to. I -- could there be different forms of a 23 bill in any bill? Of course, yes. But that's a -- 24 that's actually a hard question to answer. You'd have 25 to really narrow that down into "What do you mean,</p>
<p style="text-align: right;">50</p> <p>1 majority of Texans? 2 A. We have talked a little about this in the 3 deposition already. Newspaper articles, polling that 4 I read about, talking to folks, whether it was on the 5 radio or in person, probably calls to our office. 6 There was a general sense that not 100 7 percent of the people, but 80 or 90 percent of the 8 people, believe that showing a photo when you came to 9 vote was -- was appropriate to protect the integrity 10 of the ballot box. 11 Q. Were you aware that there are some Texas 12 voters who didn't support this legislation? 13 A. The one thing you learn as a legislator is 14 you're never going to get 100 percent of the vote and 15 you're never going to get 100 percent of the people to 16 agree on any legislation. 17 Q. Within the legislature itself, was it even 18 close to 100 percent of the Senate supporting this 19 bill? 20 MS. DONNELLY: Objection. Form. 21 You can answer. 22 A. I believe it was 100 percent. I could be 23 wrong. But I believe it was 100 percent. There may 24 have been one or two Republicans who didn't vote, but 25 I believe it was unanimous. The Democrats did not</p>	<p style="text-align: right;">52</p> <p>1 specifically, are there different ways to do it?" 2 Q. So there are different forms of acceptable ID 3 that you could have in a photo ID bill, right? 4 A. Yes. 5 Q. And there are different forms of having both 6 photo ID or nonphoto ID that you could have in such a 7 bill, right? 8 A. Say that again. 9 Q. You could have a bill that allowed for both 10 photo ID and nonphoto ID; is that correct? 11 A. Well, you're posing a hypothetical. 12 Hypothetically, yes, you could have a bill saying 13 anything. 14 Q. Okay. And a photo ID bill, it could vary in 15 terms of whether the forms of ID could be issued only 16 by the state of Texas or by other states; is that 17 correct? 18 A. Once again, you're offering a hypothetical. 19 Any bill could have any language. 20 Q. Right. And a bill could have different 21 expiration periods for the IDs that have to be shown; 22 is that correct? 23 A. Again, in a hypothetical context a bill could 24 say anything. 25 Q. And so the idea that people may have</p>

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<p style="text-align: right;">53</p> <p>1 supported the general concept, there are a lot of</p> <p>2 specifics that have to be worked out as to how any</p> <p>3 concept would be implemented with respect to photo</p> <p>4 voter ID; is that correct?</p> <p>5 THE WITNESS: Would you mind saying that</p> <p>6 again? I want to be sure I answer correctly.</p> <p>7 Sorry.</p> <p>8 THE REPORTER: No problem.</p> <p>9 "And so the idea that people may have</p> <p>10 supported the general concept, there are a lot of</p> <p>11 specifics that have to be worked out as to how any</p> <p>12 concept would be implemented with respect to photo</p> <p>13 voter ID; is that correct?"</p> <p>14 A. I'm not trying to be difficult, that's a</p> <p>15 confusing question to me.</p> <p>16 Q. (BY MS. BALDWIN) Given how many choices you</p> <p>17 have to make, and we've just walked through a number</p> <p>18 of hypotheticals, how meaningful is it to you to just</p> <p>19 say people supported photo ID without any</p> <p>20 qualification?</p> <p>21 MS. DONNELLY: Objection. Form.</p> <p>22 Do you understand the question?</p> <p>23 A. I don't. I really don't understand the</p> <p>24 question.</p> <p>25 MS. BALDWIN: If I could just ask</p>	<p style="text-align: right;">55</p> <p>1 thing?</p> <p>2 MS. BALDWIN: Section 6, through 10.</p> <p>3 A. Where does Section 6 begin, what page?</p> <p>4 Q. (BY MS. BALDWIN) Section 6 begins on page 3.</p> <p>5 Actually, I think -- so that we get a full answer, I'm</p> <p>6 willing to spend the time actually to just read from</p> <p>7 Section 6 until the end, if you would.</p> <p>8 A. Okay.</p> <p>9 MR. CLAY: Anna, do you have another</p> <p>10 copy?</p> <p>11 MS. BALDWIN: Here.</p> <p>12 A. Okay. I mean, if you have a specific</p> <p>13 question, we may have to go back over a specific</p> <p>14 point, but I've kind of went through it as quickly as</p> <p>15 I could.</p> <p>16 Q. (BY MS. BALDWIN) So my question was: What</p> <p>17 was the legislative purpose of this bill?</p> <p>18 A. To protect the integrity of the ballot box by</p> <p>19 doing our best to assure that the only people voting</p> <p>20 were people who were eligible to vote and registered</p> <p>21 to vote.</p> <p>22 Q. Were there any other purposes of this</p> <p>23 legislation, other than the purpose you've just</p> <p>24 stated?</p> <p>25 A. I don't believe so, but I -- I may think of</p>
<p style="text-align: right;">54</p> <p>1 if -- Senator Patrick, if you don't understand the</p> <p>2 question, please feel free -- but let's let Senator</p> <p>3 Patrick let me know that he doesn't understand the</p> <p>4 question rather than have a speaking objection.</p> <p>5 A. Well, that's why I asked you to repeat it for</p> <p>6 me. I'm not trying to be difficult. I'm not sure</p> <p>7 that I understand what you're trying to ask me.</p> <p>8 Q. (BY MS. BALDWIN) Okay.</p> <p>9 A. Sorry.</p> <p>10 Q. I'll move on from that.</p> <p>11 THE WITNESS: I didn't hear that</p> <p>12 drilling until you brought that up before.</p> <p>13 MS. DONNELLY: For the record, there's a</p> <p>14 jackhammer outside. We're 15 floors up, but it sounds</p> <p>15 like it's in the next room.</p> <p>16 MR. DERFNER: It's testifying I guess.</p> <p>17 THE WITNESS: Yes. Yes.</p> <p>18 Q. (BY MS. BALDWIN) What was the purpose -- the</p> <p>19 legislative purpose of SB 362?</p> <p>20 A. I have not read the bill since 2009.</p> <p>21 Q. Why don't you take a moment to read it, then,</p> <p>22 if that will help you answer.</p> <p>23 A. All right.</p> <p>24 MS. DONNELLY: I'm not trying to</p> <p>25 interfere here. Do you want him to read the whole</p>	<p style="text-align: right;">56</p> <p>1 something later. But right now, that's the purpose,</p> <p>2 of making sure that we have integrity at the ballot</p> <p>3 box.</p> <p>4 Q. Was the purpose of this bill to increase</p> <p>5 voter confidence?</p> <p>6 A. You know, I would just simply go back to the</p> <p>7 purpose of the bill was to protect the integrity of</p> <p>8 the ballot box. And if that gave people more</p> <p>9 confidence or it didn't, I can't make that call.</p> <p>10 Q. Was it your view that voters had a lack of</p> <p>11 confidence in the election process in Texas prior to</p> <p>12 this point?</p> <p>13 A. Yes. You -- you asked me earlier did</p> <p>14 I -- was I -- I took the question as, was I personally</p> <p>15 aware of any particular voter fraud; and my answer</p> <p>16 was, was I personally aware, was no.</p> <p>17 But there had been some news accounts, there</p> <p>18 had been testimony, there was a belief in -- in -- by</p> <p>19 the general public that potentially there was fraud</p> <p>20 taking place in the voting booth.</p> <p>21 Q. And specifically, in-person voter</p> <p>22 impersonation fraud?</p> <p>23 A. Yes, that -- that people believed in</p> <p>24 general I -- I would say on two tracts. They believed</p> <p>25 that the system was ripe for fraud because anyone</p>

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<p style="text-align: right;">57</p> <p>1 could show up with a voter registration card and you</p> <p>2 didn't know if they were the person.</p> <p>3 And secondly -- and this is why I believe the</p> <p>4 bill had universal support and -- again, from -- from</p> <p>5 people from all walks of life and -- and minority and</p> <p>6 majority populations -- they did not view it being</p> <p>7 unreasonable to require someone to have a photo ID to</p> <p>8 vote.</p> <p>9 Because what people would say to me all of</p> <p>10 the time -- all of the time; whether it was on the</p> <p>11 radio, in a meeting, seeing them down -- you know,</p> <p>12 walking down the street talking about it, if -- if</p> <p>13 this issue came up, is, we live in a society where</p> <p>14 we're required to present a photo to do almost</p> <p>15 everything we do; pick up your grandchild at school,</p> <p>16 your child at school, get on an airplane, cash a</p> <p>17 check, use your credit card.</p> <p>18 The general public -- and this is why 90</p> <p>19 percent of the people support it. 90 percent of the</p> <p>20 people -- or at least, you know, the vast majority,</p> <p>21 whatever the specific poll says -- people don't see it</p> <p>22 as unreasonable because they are asked -- the majority</p> <p>23 of people understand that this is -- is something that</p> <p>24 is -- has become a part of the -- of society.</p> <p>25 Q. You keep referring to "universal support,"</p>	<p style="text-align: right;">59</p> <p>1 after poll indicated that the majority of people,</p> <p>2 including constituents who -- who voted for Democrats,</p> <p>3 supported this issue. I don't think that's -- that's</p> <p>4 not a secret or a mystery.</p> <p>5 Q. But you're not aware of any specific polls</p> <p>6 that were taken of the specific constituents of your</p> <p>7 colleagues who are Democrats showing that they</p> <p>8 supported SB 362, are you?</p> <p>9 A. I -- I don't know of a specific poll on 362.</p> <p>10 Q. So, in fact, you don't know, based on any</p> <p>11 polling data, that SB 362 enjoyed anything like</p> <p>12 universal support among Texas voters?</p> <p>13 MS. DONNELLY: Objection.</p> <p>14 Argumentative.</p> <p>15 MR. CLAY: Objection. Form.</p> <p>16 A. I think the first question you asked me a few</p> <p>17 minutes ago was a general polling question, which I</p> <p>18 answered. If you're asking me now, specifically, have</p> <p>19 I seen a poll that specifically said people supported</p> <p>20 this bill word-for-word, no, I have not seen a poll.</p> <p>21 Q. (BY MS. BALDWIN) So you don't --</p> <p>22 A. Not that I recall.</p> <p>23 Q. But other than polling data, do you have any</p> <p>24 other reason to believe that there was widespread</p> <p>25 support, including among minority Texans, for this</p>
<p style="text-align: right;">58</p> <p>1 notwithstanding the fact that every Democratic member</p> <p>2 of the Senate voted against this bill. Do you see any</p> <p>3 contradiction in that?</p> <p>4 A. I think I've been clear. And if I have not</p> <p>5 been, for the record, let me be clear: Universal</p> <p>6 support by their constituents -- I think I said that</p> <p>7 earlier. We could go back and read the record. I</p> <p>8 said they may have voted against it; but their</p> <p>9 constituents, when polled, were in favor of it.</p> <p>10 Q. So you're relying on a poll. What poll are</p> <p>11 you relying on to assert that their constituents</p> <p>12 supported this and the poll shows that rather than</p> <p>13 their own votes?</p> <p>14 A. Well, there are many polls. We are a nation</p> <p>15 of polls. We see polls every night in the news. Is</p> <p>16 the President popular or unpopular, is Congress</p> <p>17 popular or unpopular, is this issue, you know, popular</p> <p>18 with people, unpopular. I mean, we are also a nation</p> <p>19 of polls.</p> <p>20 And very often political parties, both</p> <p>21 parties, will use polls to say, "This is where people</p> <p>22 stand. The President will use it. Congress will use</p> <p>23 it. Democrats will use it. Republicans will use it."</p> <p>24 So I don't think it's a foreign concept</p> <p>25 to -- thank you -- to suggest that poll after poll</p>	<p style="text-align: right;">60</p> <p>1 specific legislation -- in other words, SB 362 --</p> <p>2 notwithstanding the unified opposition of every member</p> <p>3 of the Texas Senate who represents a majority minority</p> <p>4 district?</p> <p>5 MS. DONNELLY: Objection.</p> <p>6 Argumentative.</p> <p>7 Go ahead.</p> <p>8 A. And as I think I've answered -- as candidly</p> <p>9 and as directly as I can -- it was more than polls.</p> <p>10 This issue had been -- had been in the public for a</p> <p>11 number of years. You know, just general conversations</p> <p>12 about it with people; whether they were in my district</p> <p>13 or out of my district, whether they stopped me on the</p> <p>14 street or whether it was at a meeting or whether it</p> <p>15 was a phone call.</p> <p>16 It's -- it was almost to the point, it was so</p> <p>17 universal, that -- support for the bill, for the</p> <p>18 concept of photo voter ID -- it was so universal that</p> <p>19 you really had to shake your head and wonder why</p> <p>20 anyone would be voting against it. I can't explain</p> <p>21 why the Democrats voted against it.</p> <p>22 Q. (BY MS. BALDWIN) So sitting here today, you</p> <p>23 don't have any idea of the reasons why your colleagues</p> <p>24 in the Senate who voted against this bill did so?</p> <p>25 A. I really don't know.</p>

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<p style="text-align: right;">61</p> <p>1 Q. What were the reasons that they gave?</p> <p>2 MS. DONNELLY: Objection.</p> <p>3 To the extent that it's in the public</p> <p>4 record, then certainly you can answer, but don't --</p> <p>5 Q. (BY MS. BALDWIN) What were the public reasons</p> <p>6 they gave?</p> <p>7 MS. DONNELLY: You can answer.</p> <p>8 A. Yeah, I'd have to -- I'd have to go back and</p> <p>9 look at the testimony. It was, I recall, 24 hours of</p> <p>10 debate, or something like that; 20 hours, 18 hours, 30</p> <p>11 hours. I -- you know, I can't recall. I didn't think</p> <p>12 their arguments were very valid when I heard them, but</p> <p>13 I -- I didn't really think they presented much of a</p> <p>14 case, to be honest with you.</p> <p>15 Q. (BY MS. BALDWIN) But it didn't concern you to</p> <p>16 understand why they were opposed?</p> <p>17 MS. DONNELLY: Objection. Form.</p> <p>18 You can answer.</p> <p>19 A. When I'm crafting legislation or voting for</p> <p>20 legislation, it's always great to have bipartisan</p> <p>21 support. It's -- it's a worthy goal.</p> <p>22 It's a worthy goal to have unanimous support</p> <p>23 within your own party. But, that is often not the</p> <p>24 case. And I never really worry.</p> <p>25 I listen to people. I try to evaluate their</p>	<p style="text-align: right;">63</p> <p>1 racial minority vote against this bill?</p> <p>2 A. I'd have to check the record. I believe it</p> <p>3 was unanimous. If the record does not reflect that,</p> <p>4 then my answer would be different, but I believe</p> <p>5 you're correct.</p> <p>6 Q. And did that give you pause, that support and</p> <p>7 opposition to this bill was split along racial lines?</p> <p>8 MS. DONNELLY: Objection. Form.</p> <p>9 A. I have voted for bills where the final tally</p> <p>10 was 30 to 1 and I was the 1. Or 29 to 2. I</p> <p>11 don't -- I vote for what I believe is right and best</p> <p>12 represents the people of Texas.</p> <p>13 So I don't -- whether a bill passed by one</p> <p>14 vote or was unanimous, I vote on legislation I</p> <p>15 believe -- that I believe is the right thing for all</p> <p>16 Texans, and I don't worry about if other Republicans</p> <p>17 or Democrats -- we don't have any Independents in</p> <p>18 this, in the Senate -- vote against me.</p> <p>19 Q. (BY MS. BALDWIN) So to summarize, then, is it</p> <p>20 fair to say you weren't bothered by the fact that all</p> <p>21 African-American and Latino senators voted against</p> <p>22 this bill?</p> <p>23 MS. DONNELLY: Objection. Form.</p> <p>24 A. I don't want to answer the question as it's</p> <p>25 your representation that I'm not "bothered by the</p>
<p style="text-align: right;">62</p> <p>1 arguments to be sure that -- that I've made the right</p> <p>2 decision in how I'm going to vote.</p> <p>3 But at the end of the day, if someone chooses</p> <p>4 to vote against something that I'm for, or for</p> <p>5 something that I'm against, I don't really try</p> <p>6 to -- after I've listened to their argument and maybe</p> <p>7 talked to them to really try to get an understanding,</p> <p>8 I don't really, you know, after the fact, think about</p> <p>9 why they voted for something or against something.</p> <p>10 Q. (BY MS. BALDWIN) And by the fact that every</p> <p>11 Democratic member of the Senate voted against this</p> <p>12 bill, is it also accurate to say that every member of</p> <p>13 the Senate who represents a majority minority district</p> <p>14 voted against this bill?</p> <p>15 MR. CLAY: Objection. Form.</p> <p>16 A. Did every Democrat who represents a majority</p> <p>17 minority district vote against the bill?</p> <p>18 Q. (BY MS. BALDWIN) Yes.</p> <p>19 A. I -- I think the record -- I think the record</p> <p>20 reflects every Democrat voted against it, and I</p> <p>21 believe, but not certain, that Democrats represent</p> <p>22 districts that are majority minority districts. So</p> <p>23 the answer would be yes, based on the knowledge that I</p> <p>24 have.</p> <p>25 Q. And did every member of the Senate who is a</p>	<p style="text-align: right;">64</p> <p>1 fact." I didn't -- I listened to the testimony. I</p> <p>2 voted for the bill.</p> <p>3 Q. (BY MS. BALDWIN) Did it make you think twice,</p> <p>4 the fact that support and opposition was split along</p> <p>5 racial lines in the Senate?</p> <p>6 MS. DONNELLY: Objection. It's</p> <p>7 argumentative.</p> <p>8 A. Yeah, I think I've -- I've answered this</p> <p>9 as -- as candidly as I can. I don't look at fellow</p> <p>10 senators as Republicans or Democrats, or black, white,</p> <p>11 and brown. I look at my senators as equals.</p> <p>12 And sometimes there are -- there's</p> <p>13 legislation that Democrats support with me that</p> <p>14 Republicans might not, not all of them; and sometimes</p> <p>15 there are bills that only Republicans support and</p> <p>16 Democrats. I don't think like that.</p> <p>17 Q. (BY MS. BALDWIN) And I'm not meaning to be</p> <p>18 argumentative, but --</p> <p>19 A. Sure.</p> <p>20 Q. -- just so that I understand, you didn't take</p> <p>21 any different significance away from this bill,</p> <p>22 SB 362, because of the racial divide among the</p> <p>23 senators; is that fair?</p> <p>24 MS. DONNELLY: Objection to form.</p> <p>25 Argumentative.</p>

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17 (Pages 65 to 68)

<p style="text-align: right;">65</p> <p>1 Go ahead.</p> <p>2 A. I would need you to say that one more time.</p> <p>3 Q. (BY MS. BALDWIN) You didn't assign any</p> <p>4 special significance to the fact that support and</p> <p>5 opposition to this bill fell along racial lines in the</p> <p>6 Senate?</p> <p>7 MS. DONNELLY: Form.</p> <p>8 Go ahead.</p> <p>9 A. I never take that in consideration.</p> <p>10 Q. (BY MS. BALDWIN) Thank you.</p> <p>11 Your prior testimony was that the purpose of</p> <p>12 this bill was to protect the integrity of the ballot</p> <p>13 box. Do you believe that SB 362 would have</p> <p>14 accomplished that purpose?</p> <p>15 A. To be very candid with you, it's very hard</p> <p>16 for me to go back and even remember. I remember</p> <p>17 Senate Bill 14 a little bit better. But going back to</p> <p>18 2009, and trying to ask me what I believed or didn't</p> <p>19 believe at the time...</p> <p>20 Obviously, I voted for the bill, so the</p> <p>21 record would reflect that I supported the bill. I</p> <p>22 can't tell you what my thinking was at the time;</p> <p>23 hundreds and hundreds, and hundreds of hundreds,</p> <p>24 hundreds -- maybe thousands of witnesses ago.</p> <p>25 Q. Is it correct that the only type of fraud</p>	<p style="text-align: right;">67</p> <p>1 use of driver's licenses that had been expired for up</p> <p>2 to two years?</p> <p>3 A. I do see that.</p> <p>4 Q. And did you think that was a reasonable</p> <p>5 provision?</p> <p>6 A. I can't remember what I thought at the time.</p> <p>7 Q. Sitting here today, do you have an opinion of</p> <p>8 this provision?</p> <p>9 A. Sitting here today, that is not something</p> <p>10 that I -- I would have supported, in terms of that</p> <p>11 language. But understand, that when you vote for a</p> <p>12 bill, you're not always necessarily supportive of</p> <p>13 every line in the bill.</p> <p>14 And when you vote against a bill, it doesn't</p> <p>15 mean that there isn't -- isn't something in the bill</p> <p>16 that you voted against that you didn't support.</p> <p>17 So that's what was in the bill at that</p> <p>18 particular time, and that's how I voted, so...</p> <p>19 Q. Sitting here today, why is it that you</p> <p>20 wouldn't support this language, if I've understood</p> <p>21 your testimony correctly?</p> <p>22 A. I think it should be for a valid and not an</p> <p>23 expired license.</p> <p>24 Q. And why is that in terms of the purpose of</p> <p>25 the bill being to show somebody's identity?</p>
<p style="text-align: right;">66</p> <p>1 that would have been combatted by SB 362 is in-person</p> <p>2 voter impersonation fraud?</p> <p>3 A. You're asking me an absolute, and I'm -- I'm</p> <p>4 trying to move this along and I've slowed down the</p> <p>5 process. I have to think through what you said. But</p> <p>6 my first-blush response was, our concern was the</p> <p>7 ballot, the integrity of the ballot for in-person</p> <p>8 voting.</p> <p>9 Q. But sitting here today, can you think of any</p> <p>10 other kind of fraud that this bill would have</p> <p>11 addressed other than in-person voter impersonation</p> <p>12 fraud?</p> <p>13 A. Sitting here today, and ten seconds of</p> <p>14 thinking of your question, I can't. But I -- if I</p> <p>15 have a further reflection later, I'll let you know.</p> <p>16 Q. Okay. I'd like to ask about some of the</p> <p>17 specific provisions in SB 362. On page 5 of the bill,</p> <p>18 in Section 10, paragraph (1), do you see that this</p> <p>19 bill would have allowed the use of Texas driver's</p> <p>20 licenses or personal identification cards that had --</p> <p>21 A. What line are you on? I'm sorry.</p> <p>22 Q. Sure. I'm in subparagraph (1), on page -- on</p> <p>23 Line Number 22.</p> <p>24 A. Line Number 22. Okay. I see it.</p> <p>25 Q. Do you see that SB 362 would have allowed the</p>	<p style="text-align: right;">68</p> <p>1 A. You know, it's just -- you know, it's like my</p> <p>2 passport. I noticed recently it's going to expire</p> <p>3 next year. It will still have my picture on it and</p> <p>4 the information will be accurate, but I won't be able</p> <p>5 to leave the country because it's expired. And</p> <p>6 there's a reason the federal government believes it's</p> <p>7 important to have a valid passport, and I just believe</p> <p>8 it's important to have a valid driver's license.</p> <p>9 Q. But the -- for a passport, you would agree</p> <p>10 that the expiration periods are set for the purposes</p> <p>11 of whatever the federal government has deemed for</p> <p>12 using a passport, it's not the same purpose for -- let</p> <p>13 me say that over again.</p> <p>14 A. Okay.</p> <p>15 Q. Did the federal government set passport</p> <p>16 expiration periods with reference to whether or not it</p> <p>17 would be sufficient to verify somebody's identity in</p> <p>18 voting in Texas?</p> <p>19 MR. CLAY: Objection. Form.</p> <p>20 A. I have no idea why the federal government</p> <p>21 sets their rules. My -- my point was that there is a</p> <p>22 reason the federal government -- government sets an</p> <p>23 expiration date and you can only use it for that</p> <p>24 period. And in my view, the state asking for a</p> <p>25 driver's license to only be valid, based on nothing</p>

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18 (Pages 69 to 72)

<p style="text-align: right;">69</p> <p>1 expired, is -- is reasonable. That's -- we're</p> <p>2 not -- that's just my answer.</p> <p>3 Q. A driver's license that's been expired for a</p> <p>4 month, is that any less likely to be able to show that</p> <p>5 the person who's holding it is, in fact, the voter</p> <p>6 that they say they are? In other words, what does</p> <p>7 expiration have to do with the ability to prove</p> <p>8 somebody's identity?</p> <p>9 MS. DONNELLY: Objection. Form.</p> <p>10 A. You know, I've kind of given you my answer on</p> <p>11 it. I just -- you asked me a question and I gave you</p> <p>12 my answer that I would have preferred -- preferred at</p> <p>13 the time, for it to be based on a valid driver's</p> <p>14 license.</p> <p>15 Q. (BY MS. BALDWIN) I understand in terms of the</p> <p>16 bill. But just as a general matter of policy</p> <p>17 preference, I'm trying to understand your position.</p> <p>18 If the purpose is to verify a voter's</p> <p>19 identity, why does a license being expired by a month</p> <p>20 become inadequate to verify a voter's identity?</p> <p>21 MS. DONNELLY: Objection. Form.</p> <p>22 A. You could make that same argument, that, is</p> <p>23 two years' expiration okay or five years' expiration</p> <p>24 okay or why wouldn't ten years of expiration be okay?</p> <p>25 I just gave you my answer. I believe that</p>	<p style="text-align: right;">71</p> <p>1 A. Do I think that's likely?</p> <p>2 Q. Yes.</p> <p>3 A. Is it possible, yes. Likely, I don't -- I</p> <p>4 couldn't answer.</p> <p>5 Q. Do you have any elderly relatives in the</p> <p>6 state of Texas?</p> <p>7 A. Yes.</p> <p>8 Q. Do they all still drive?</p> <p>9 A. My 88-year-old mother still has her valid</p> <p>10 driver's license. And elderly people who are over 65,</p> <p>11 as anyone over 65, can vote by mail without any</p> <p>12 identification.</p> <p>13 Q. But if they show up to the polls, they still</p> <p>14 have to show ID; is that correct?</p> <p>15 A. Yes, they do.</p> <p>16 Q. And as a general matter, you would agree that</p> <p>17 as people age sometimes they let their driver's</p> <p>18 license expire because they no longer drive, right?</p> <p>19 MS. DONNELLY: Objection.</p> <p>20 A. I mean, I'm sure, again, it -- I'm sure it</p> <p>21 occurs.</p> <p>22 Q. (BY MS. BALDWIN) On page 6 of the bill, I'm</p> <p>23 still in -- we're still in Section 10 --</p> <p>24 A. Uh-huh.</p> <p>25 Q. -- do you see that -- on Line 16, that the</p>
<p style="text-align: right;">70</p> <p>1 being a current -- valid current driver's license</p> <p>2 is -- is appropriate.</p> <p>3 Q. (BY MS. BALDWIN) But what's the basis for</p> <p>4 that belief in terms of how that's related to the</p> <p>5 purpose of the bill in terms of being adequate to</p> <p>6 verify somebody's identity?</p> <p>7 MS. DONNELLY: Objection. Form.</p> <p>8 Go ahead.</p> <p>9 A. I don't know how I can say it any</p> <p>10 differently. I believe that it should be a valid</p> <p>11 driver's license. I believe that's what the law is</p> <p>12 today, I believe, so...</p> <p>13 Q. (BY MS. BALDWIN) Do you think that more</p> <p>14 people would have an ID that they would be able to</p> <p>15 show at the polls if expired licenses were accepted?</p> <p>16 A. Do I -- say that again.</p> <p>17 Q. Do you believe that there are some Texas</p> <p>18 voters who only have in their possession an expired</p> <p>19 driver's license or passport?</p> <p>20 A. I wouldn't know that. I mean, I wouldn't</p> <p>21 know that.</p> <p>22 Q. Do you think that there are elderly people</p> <p>23 who have let their driver's license expire and only</p> <p>24 have that expired license in their possession; do you</p> <p>25 think that's likely?</p>	<p style="text-align: right;">72</p> <p>1 bill, SB 362, would have allowed for the use of a</p> <p>2 valid identification card that contains the person's</p> <p>3 photograph and is issued by an agency or institution</p> <p>4 of the federal government or an agency, institution or</p> <p>5 political subdivision of Texas?</p> <p>6 A. Yes, I do.</p> <p>7 Q. Okay. And did you support that language?</p> <p>8 A. I voted for the bill.</p> <p>9 Q. Do you think that a photo ID that's issued by</p> <p>10 the federal government and is valid is an adequate way</p> <p>11 to verify a voter's identity?</p> <p>12 A. If we were on the Senate floor right now I</p> <p>13 would ask you exactly what you mean by all of this and</p> <p>14 what valid IDs you're talking about, so...</p> <p>15 Q. A federal employee ID, do you think that that</p> <p>16 is an adequate form of ID to verify a voter's</p> <p>17 identity?</p> <p>18 MR. CLAY: Objection. Form.</p> <p>19 A. I'd have to think about it.</p> <p>20 Q. (BY MS. BALDWIN) Why is that?</p> <p>21 A. Because I'd have to think about it.</p> <p>22 Q. Is there any reason, sitting here today, that</p> <p>23 you can think of, why a federal employee ID wouldn't</p> <p>24 be good enough to verify a voter's identity?</p> <p>25 A. I would have to think about it.</p>

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19 (Pages 73 to 76)

<p style="text-align: right;">73</p> <p>1 Q. What about a state employee ID? Is that, as</p> <p>2 you sit here today, in your judgment, adequate to</p> <p>3 verify a voter's identity?</p> <p>4 A. I'd have to think through it.</p> <p>5 Q. Can you think of, sitting here today, any</p> <p>6 reason why it wouldn't be good enough?</p> <p>7 A. I would have to think through it.</p> <p>8 Q. What factors would you consider in thinking</p> <p>9 through that?</p> <p>10 A. You're kind of pivoting the discussion now</p> <p>11 and getting into writing legislation and crafting a</p> <p>12 bill and -- and I would want to have all the</p> <p>13 information of -- of why certain things are considered</p> <p>14 and why certain things aren't. I might agree, I might</p> <p>15 not agree, at the end of the day.</p> <p>16 Q. But you voted in favor of this bill, correct?</p> <p>17 A. Yes.</p> <p>18 MS. DONNELLY: Objection. Asked and</p> <p>19 answered.</p> <p>20 A. Yes.</p> <p>21 Q. (BY MS. BALDWIN) And so at the time you voted</p> <p>22 in favor of it, did you have adequate information to</p> <p>23 make that judgment?</p> <p>24 A. Again, I don't recall the specifics of the</p> <p>25 deliberation or the specifics of a bill five years</p>	<p style="text-align: right;">75</p> <p>1 verify their residence.</p> <p>2 Q. (BY MS. BALDWIN) Is the -- was verifying</p> <p>3 residence one of the purposes of SB 362?</p> <p>4 A. The purpose of 362 was integrity of the</p> <p>5 ballot box and making sure that people who voted were</p> <p>6 eligible to vote and registered to vote.</p> <p>7 So in the case of a student, you could have a</p> <p>8 photo ID that would show this is who I am, but it</p> <p>9 would not necessarily -- as an out-of-state student,</p> <p>10 are they registered to vote? So...</p> <p>11 Q. Do you know whether passports reflect a</p> <p>12 voter's -- a passport holder's current residential</p> <p>13 address?</p> <p>14 A. I haven't seen the latest passports because</p> <p>15 mine are ten years -- almost ten years old, but</p> <p>16 I -- but it does have on your passport where that</p> <p>17 passport was issued, but I don't know that it has the</p> <p>18 current address.</p> <p>19 Q. And are you aware that passports have a</p> <p>20 ten-year validity period and can be issued in any</p> <p>21 state?</p> <p>22 A. Yes.</p> <p>23 Q. So you would agree that for your passport,</p> <p>24 for example, it doesn't say where you live on the face</p> <p>25 of your passport?</p>
<p style="text-align: right;">74</p> <p>1 ago. I voted for the bill. It's on the record. I</p> <p>2 don't know what else I can say.</p> <p>3 Q. Would you agree that subparagraph (b) --</p> <p>4 which allowed for IDs issued by an agency,</p> <p>5 institution, or political subdivision of this state --</p> <p>6 would have included student IDs from public</p> <p>7 universities?</p> <p>8 A. I don't know if that included that or not.</p> <p>9 Q. Would you have supported that if it did?</p> <p>10 A. I don't know if we talked about that, you</p> <p>11 know, regarding that bill or this bill. I mean, I</p> <p>12 don't know if that was part of this or not.</p> <p>13 Q. Do you have an opinion, sitting here today,</p> <p>14 as to whether student IDs issued by public</p> <p>15 universities in Texas are adequate to verify a voter's</p> <p>16 identity?</p> <p>17 A. It might identify. It may -- how did you</p> <p>18 just say that? I'm sorry. How did you say that?</p> <p>19 Q. Do you have an opinion --</p> <p>20 A. To verify their identity?</p> <p>21 Q. Yes.</p> <p>22 A. It might verify their identity, but it would</p> <p>23 not necessarily verify their residence.</p> <p>24 MR. CLAY: What were your last words?</p> <p>25 THE WITNESS: Would not necessarily</p>	<p style="text-align: right;">76</p> <p>1 A. Mine doesn't. I can't speak for others. I</p> <p>2 haven't seen others.</p> <p>3 Q. And your passport would have been accepted</p> <p>4 under this bill; is that correct?</p> <p>5 A. I believe so.</p> <p>6 Q. And military IDs, are you aware of whether</p> <p>7 they show --</p> <p>8 A. I'm -- I'm not.</p> <p>9 Q. So is your --</p> <p>10 A. I didn't want to finish your question there,</p> <p>11 but I know where you were going.</p> <p>12 Q. You're not aware of whether military ID show</p> <p>13 a voter's residence?</p> <p>14 A. Correct.</p> <p>15 Q. So is residence a concern that you only have</p> <p>16 with respect to students?</p> <p>17 A. No. Residence would be a concern that you</p> <p>18 would have with everyone.</p> <p>19 Q. But there are a number of forms of ID that</p> <p>20 were acceptable under this bill that wouldn't show</p> <p>21 residence; would you agree?</p> <p>22 A. I'd have to go back and go through that, but</p> <p>23 I believe -- I believe that would be an accurate</p> <p>24 statement.</p> <p>25 Q. SB 362 also allowed for the use of nonphoto</p>

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20 (Pages 77 to 80)

<p style="text-align: right;">77</p> <p>1 ID; is that correct?</p> <p>2 A. Yes, as I read it, correct.</p> <p>3 Q. What was the purpose of allowing for a voter</p> <p>4 to use two forms of specified nonphoto ID?</p> <p>5 A. I don't know.</p> <p>6 Q. Did you ever know?</p> <p>7 A. Don't know. I mean, I really -- I don't know</p> <p>8 why that was in the bill. I don't recall.</p> <p>9 Q. Did you ever have any conversation to try and</p> <p>10 find out why that was included?</p> <p>11 A. That, I would not recall.</p> <p>12 Q. Did you support the inclusion of nonphoto IDs</p> <p>13 in SB 362?</p> <p>14 A. I voted for the bill. And as I said earlier,</p> <p>15 on the record: You vote for bills, you may not agree</p> <p>16 with everything in a bill, and you vote against bills,</p> <p>17 you may agree with some parts of the bill. So I voted</p> <p>18 for the bill, and that's the -- we've said that</p> <p>19 multiple times.</p> <p>20 Q. So as you sit here today, do you have any</p> <p>21 recollection of whether you supported or opposed</p> <p>22 allowing a voter to verify their identity using a</p> <p>23 Medicare or Medicaid card, for example?</p> <p>24 A. I don't know what a Medicaid or Medicare card</p> <p>25 looks like. I don't know if it has a photo or not.</p>	<p style="text-align: right;">79</p> <p>1 Q. Including, in this instance, Section 5 of the</p> <p>2 Voting Rights Act specifically?</p> <p>3 A. Let's review, if you'd like, Section 5 of the</p> <p>4 Voting Rights Act. Specifically, my belief is that</p> <p>5 just simply means our legislation has to be precleared</p> <p>6 and -- so I knew that whatever legislation we passed</p> <p>7 would be precleared.</p> <p>8 Q. Did you form a judgment for yourself about</p> <p>9 whether the legislation complied with the Voting</p> <p>10 Rights Act?</p> <p>11 MS. DONNELLY: This line of questioning</p> <p>12 and -- on -- really, on 362 overall, this is all --</p> <p>13 and to the extent the questions invade legislative</p> <p>14 privilege, this is all under seal. I just want to</p> <p>15 make that clear for the record; is that correct?</p> <p>16 MS. BALDWIN: Yes. The entire</p> <p>17 transcript is under seal.</p> <p>18 MS. DONNELLY: Okay. So we've</p> <p>19 established that?</p> <p>20 MS. BALDWIN: Yes.</p> <p>21 MS. DONNELLY: Okay. Thank you.</p> <p>22 You can answer. I'm sorry. I didn't</p> <p>23 mean to interrupt.</p> <p>24 Q. (BY MS. BALDWIN) Did you form a judgment for</p> <p>25 yourself as to whether the legislation that we're</p>
<p style="text-align: right;">78</p> <p>1 Q. Nonphoto ID.</p> <p>2 A. Oh, under a nonphoto. I do -- my belief was,</p> <p>3 we needed a photo ID to protect the integrity of the</p> <p>4 ballot box. The other language that was in the bill</p> <p>5 was in the bill. I voted overall for the bill.</p> <p>6 I would not -- I didn't -- would not have</p> <p>7 agreed with that part of it, but it was in the bill.</p> <p>8 That's the bill I had to vote for -- not had to vote</p> <p>9 for. That's the bill that -- that was the only bill I</p> <p>10 had to vote on at that given time.</p> <p>11 Q. Did you analyze or direct anyone to analyze</p> <p>12 which registered voters possessed one of the required</p> <p>13 forms of photo ID identified in SB 362?</p> <p>14 A. I don't recall.</p> <p>15 Q. At the time that SB 362 was considered, were</p> <p>16 you aware that Texas was subject to the Section 5</p> <p>17 preclearance requirements of the Voting Rights Act?</p> <p>18 A. I'm sure I was. Not specifically, but I'm</p> <p>19 sure I was.</p> <p>20 Q. In deciding whether to support SB 362, did</p> <p>21 you consider whether the legislation complied with</p> <p>22 Section 5 of the Voting Rights Act?</p> <p>23 A. We always tried to write legislation</p> <p>24 that -- we always try to write legislation that</p> <p>25 complies with whatever given laws we're dealing with.</p>	<p style="text-align: right;">80</p> <p>1 talking, SB 362, complied with the Voting Rights Act?</p> <p>2 A. I don't think I formed a judgement for</p> <p>3 myself. That's more -- I believe that's something</p> <p>4 more that the author of the bill needs to consider</p> <p>5 when he or she writes the bill.</p> <p>6 Q. Why isn't that something that you would want</p> <p>7 to consider in casting -- in deciding how to cast your</p> <p>8 votes?</p> <p>9 A. There are a lot of pieces of legislation that</p> <p>10 are challenged in the courts everywhere. And so, when</p> <p>11 I'm writing a bill I'm going to do the best I can to</p> <p>12 believe that it will survive challenges; and I assume</p> <p>13 authors of bills are doing the same thing. And so, I</p> <p>14 don't think about it very much unless it's my bill.</p> <p>15 And if it's my bill that I'm writing, then I</p> <p>16 try to do my best to do that, because you want your</p> <p>17 legislation to be upheld by the courts.</p> <p>18 Q. So is it fair to say that you didn't think</p> <p>19 about very much whether SB 362 would have a negative</p> <p>20 impact on the voting rights of racial minorities in</p> <p>21 Texas?</p> <p>22 MS. DONNELLY: Objection. Form.</p> <p>23 Go ahead.</p> <p>24 A. I've never believed that asking someone to</p> <p>25 have a photo voter ID infringed on anyone's rights.</p>

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21 (Pages 81 to 84)

<p style="text-align: right;">81</p> <p>1 Q. (BY MS. BALDWIN) And how did you form that 2 judgment?</p> <p>3 A. I believed it was not an unreasonable 4 request. We've talked quite at length about the 5 support by the general public who did not have that 6 view that it was unreasonable, and it was important to 7 protect the integrity of the ballot box.</p> <p>8 Q. But you didn't know whether the specific 9 forms of ID that were required by SB 362 were not 10 possessed equally by members of all racial groups in 11 Texas?</p> <p>12 A. Would you say that again?</p> <p>13 Q. You didn't know whether the forms of ID that 14 were required by SB 362 were possessed in equal 15 proportion by members of all racial groups in Texas?</p> <p>16 A. I wouldn't have -- I wouldn't know that.</p> <p>17 Q. And would it also be fair to say that you 18 didn't think that that was an important consideration 19 to try and find out?</p> <p>20 MS. DONNELLY: Objection. Form.</p> <p>21 A. If the question is, did I believe that the 22 vast majority of people had some type of photo 23 identification, the answer to that would be yes, 24 because it is required by so many businesses, 25 entity -- government entities. Having a photo ID</p>	<p style="text-align: right;">83</p> <p>1 combination that's important to me.</p> <p>2 A. Okay.</p> <p>3 Q. So let's say that there are 10 percent, 4 approximately, of registered voters who lack a 5 required photo ID. Also, assume that that 10 percent 6 is disproportionately poor, disproportionately a 7 racial minority, and that it's difficult to get one of 8 the required forms of photo ID.</p> <p>9 Would that combination of factors be 10 something that you think should weigh into the 11 consideration of a bill like this?</p> <p>12 MS. DONNELLY: I'm going to object to 13 the form of the question.</p> <p>14 But you can answer if you understand it.</p> <p>15 A. I could only answer with a hypothetical back, 16 of, how I would potentially look at that? First, 17 would those people -- how many of those people, for 18 example, would be over 65 and who could vote by mail 19 and who do vote by mail. Now, they -- some people 20 over 65 prefer to vote in person. I understand that. 21 So that would have to be taken.</p> <p>22 How many of those people live in urban areas 23 where it's very convenient to get to a DPS and get a 24 free ID, for example. So what's the real percentage? 25 Again, the premise that you're making is not</p>
<p style="text-align: right;">82</p> <p>1 today is very commonplace. Does that mean that 2 everyone in the population had one, I couldn't answer 3 that. But I did not think it was unreasonable, 4 regardless of if you were a majority or minority.</p> <p>5 MS. BALDWIN: Can we take a brief break?</p> <p>6 THE WITNESS: Sure.</p> <p>7 (Break.)</p> <p>8 Q. (BY MS. BALDWIN) Senator Patrick, before we 9 were talking about whether and the extent to which you 10 considered the Voting Rights Act and rates of ID 11 possession. I want to present you a hypothetical.</p> <p>12 If you were told that approximately 10 percent 13 of registered voters didn't have one of the forms of 14 acceptable ID under SB 362 and that those 10 percent 15 were disproportionately poor, that it was difficult to 16 get an ID and that they were disproportionately a 17 racial minority, would those combination of factors be 18 something that you would have considered?</p> <p>19 THE WITNESS: I'll ask a question of my 20 counsel. Do I have to answer hypotheticals?</p> <p>21 MS. DONNELLY: You do if you understand 22 them.</p> <p>23 Can we break this down, Counsel? There 24 were a lot of parts to your question.</p> <p>25 Q. (BY MS. BALDWIN) It's actually the</p>	<p style="text-align: right;">84</p> <p>1 a premise I agree with, that -- and I don't know what 2 the numbers are, obviously. And you asked me a 3 hypothetical. I do not agree with the premise that a 4 significant number of people do not have or cannot get 5 a photo ID.</p> <p>6 And remember, even -- and if you look 7 since -- not through 62, but since SB 14 passed, we've 8 had, I believe, five total elections, maybe more, from 9 city to state, county. You know, I don't think there 10 have been any complaints. I'm not -- I'm personally 11 not aware. It doesn't mean there haven't been a few, 12 but we've had millions of people vote.</p> <p>13 And I think, in some cases, voter turnout is 14 actually higher. Sometimes the primaries are not, 15 depending if it's the presidential or a gubernatorial 16 year. But here we are, in 2014.</p> <p>17 I'm not -- when you ask me am I aware of what 18 people think, I'm not aware of one complaint. Maybe 19 there has been to my office. I'm not aware of one 20 person that's complained, and I do have a district 21 where -- where, as I said earlier, I don't know the 22 exact number, but I think somewhere around 30 percent 23 plus, 35, 38 percent, are minority.</p> <p>24 I'm not aware of any complaints to the 25 Secretary of State. Maybe there have been -- the only</p>

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22 (Pages 85 to 88)

<p style="text-align: right;">85</p> <p>1 thing that I -- I think I read a story about someone 2 complaining because they showed up and left it at 3 home. 4 So I think that what -- the bill that we 5 passed, I think we were thoughtful. We tried to take 6 into account the hypotheticals that you present to us, 7 and I think the proof would show five years -- or not 8 five years -- three years, after the fact, that 9 students aren't complaining, seniors aren't 10 complaining, minorities aren't complaining, and voting 11 turnout is healthy. 12 Q. (BY MS. BALDWIN) You're aware that the law is 13 currently being subjected to challenge under the 14 Voting Rights Act, for having a racially 15 discriminatory impact, including by plaintiffs in the 16 state of Texas. Does that count as complaining to 17 you? 18 MS. DONNELLY: Objection to the form of 19 the question. 20 A. Anyone can sue anyone for anything, but I'm 21 not aware of constituents and voters in any large 22 numbers complaining that they in some way were 23 disenfranchised. And remember, for the record, let's 24 be very clear, if you show up and don't have a voter 25 ID and your name is on the voter rolls, you can still</p>	<p style="text-align: right;">87</p> <p>1 have said, "Oh, my goodness, I couldn't get an ID or I 2 couldn't vote," so... 3 Q. Have you looked into the number of 4 provisional ballots that have been cast since SB 14 5 has been in effect, for voters who didn't have ID, who 6 were not able to cure within the six-day period and as 7 a result those votes weren't counted? 8 A. I have not. 9 Q. So you're not -- if you haven't looked into 10 that, how do you know that voters aren't being 11 affected in the past five elections? 12 A. When voters aren't happy, you hear from them. 13 They call your office. They find a reporter. They 14 show up on a news station. And, again, there may have 15 been a report somewhere or a news story or -- you 16 know, somewhere, but I'm just not aware of any. 17 And, again, we're talking about millions of 18 people. Could there have been a handful? I mean, I 19 don't know. But I'm sure not aware of anyone. 20 You would have to show me that a significant 21 number of people felt they couldn't vote. I just 22 haven't seen it. 23 So I think the bill has been a success; and I 24 think people, minority and majority, have embraced it 25 and feel that we have integrity at the ballot box.</p>
<p style="text-align: right;">86</p> <p>1 vote a provisional ballot. 2 Q. (BY MS. BALDWIN) But that ballot won't cast 3 unless you show up within six days. You make a 4 separate trip and show that you do, in fact, have a 5 valid form of identification; isn't that correct? 6 A. Well, that is correct, because we have a 7 voter ID law. 8 But the suggestion that a person can't vote 9 if they're registered to vote and don't have a photo 10 ID, they do -- they can cast a provisional ballot and 11 they do have -- and they are given leeway to go back 12 and -- and -- if they left it at home or if they 13 didn't have it or they can get it, so I just -- it -- 14 it -- I just -- I'm actually very, very pleased. 15 Whenever we pass legislation, we 16 always -- whatever legislation it is -- I passed a big 17 education bill last session on major reform and you 18 always want to see the result of it, and so it makes 19 me feel good in the case of the education reforms that 20 we passed last session when I hear parents and 21 superintendents say, you know, "This is really working 22 well." And, no, it doesn't mean 100 percent of the 23 people are happy. You never get 100 percent. 24 And so in this case, there just hasn't been 25 any, that I'm aware of, any large number of people who</p>	<p style="text-align: right;">88</p> <p>1 Q. Would it matter to you if there were hundreds 2 of votes from Harris County alone that hadn't been 3 able to be counted because they were provisional votes 4 and voters without ID? 5 A. Hundreds of votes? 6 Q. That were not counted because those voters 7 came to vote, lacked ID, and for whatever reason 8 didn't cure within the period. 9 A. Well, as you've said, for whatever reasons. 10 I don't know what the reason was. And secondly, 11 hundreds of votes out of millions cast, I don't know 12 what the percentage of that would be. It would be a 13 very small percentage. But I don't know the reasons 14 behind every one of those, so I can't tell you that I 15 would be concerned when I don't know the reasons. 16 Q. So hundreds of votes, that would just be the 17 cost of doing business if those voters were 18 disenfranchised? 19 MS. DONNELLY: Objection to the form of 20 the question. This is argumentative. 21 A. Yeah, that's your word. I wouldn't say that. 22 Q. (BY MS. BALDWIN) How many -- how many voters 23 would it take to have their provisional ballots not be 24 counted for that to count as a significant impact to 25 you?</p>

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23 (Pages 89 to 92)

<p style="text-align: right;">89</p> <p>1 A. There is -- let's go back to what the law is. 2 There is not a reason, in my view, or in the view of 3 the majority of citizens in the state of Texas, that a 4 person should not be able to get a photo voter ID. 5 In fact, I think the data -- I'm thinking, 6 don't have it in front of me -- but I think I have 7 read a story that there were very few people who went 8 to DPS to get a free ID, free photo ID. We made that 9 available. There were very few who did. 10 Again, I go back to this: You've asked me a 11 lot of hypotheticals; in my opinion, and what do I 12 think. I think very few people in America don't have 13 a photo ID that would be acceptable to vote or that 14 they can't get. 15 Are there some people? There probably are 16 some people. But I don't know who they are and what 17 effort they've made to get it. 18 Q. And if it's difficult for those people to get 19 the ID, the percentage that don't have it, and they're 20 disproportionately minority, those aren't significant 21 concerns for you? 22 MS. DONNELLY: Objection. 23 Argumentative. 24 A. You keep -- you're a very nice person; but 25 you keep trying to characterize it from your point of</p>	<p style="text-align: right;">91</p> <p>1 You can answer. 2 A. Yeah, I'm not aware of that. 3 Q. (BY MS. BALDWIN) That's not information 4 you've ever...? 5 A. No, I've never seen the statistics on it. 6 Q. If I represented to you that it is the case 7 according to the Census Bureau, that African-American 8 households lack access to a car at a higher rate than 9 Anglos, would that surprise you? 10 A. It might. I mean, I don't -- I've just never 11 really thought about it. 12 Q. Okay. And -- 13 A. When you say "access," you didn't say 14 ownership. Access, I would say that almost every 15 person, no matter of their color, knows someone who 16 has a car. I think that would be -- if I were asking 17 you the hypothetical question, do you think most 18 people know someone who has a car, and if most people 19 know someone who has a car, then most people might 20 have access to a car. 21 Q. Is it harder to get to a DPS office if you 22 have to ask someone else for a ride than if you own a 23 car yourself? 24 A. Not necessarily. 25 Q. You don't think it imposes a different burden</p>
<p style="text-align: right;">90</p> <p>1 view, what my point of view is. Your point of view 2 and my point of view are not the same. 3 I'm -- I'm always concerned about every 4 person and I want every bill that we pass that we try 5 to do the best we can. 6 Q. (BY MS. BALDWIN) Are you aware of statistics 7 showing that rates of poverty in the state of Texas 8 are higher among African-Americans than Anglos? 9 A. Am I aware -- 10 Q. Sitting here today. 11 A. -- of that? 12 I would say I'm generally aware of that. 13 Q. And have you been aware of that throughout 14 the time that you've served in the Texas Senate? 15 A. I don't know throughout the time. But from 16 time to time I've -- you know, it's come up in a 17 particular -- whether it's health and human services, 18 education, or whatever it might be. 19 Q. And are you also aware that African-Americans 20 are disproportionately like -- less -- let me start 21 over. 22 Are you also aware that fewer 23 African-American households have access to a car than 24 Anglo households in Texas? 25 MS. DONNELLY: Objection. Form.</p>	<p style="text-align: right;">92</p> <p>1 if I have to go ask a family member to give me a ride 2 than if I can just go get in my own car? 3 A. I think people ask people for rides all the 4 time, whether it's to go to the grocery store or go to 5 the airport or go to the doctor's office, who don't 6 have a car. And for people who are -- who have public 7 transportation available to them, that's the option as 8 well. 9 Q. But you've said within your district it's 10 likely that there are many people who don't have 11 access to public transportation to get to a DPS 12 office, correct? 13 A. Most people who live in areas where you don't 14 have public transportation, which would be in -- in 15 your unincorporated areas where there isn't bus 16 service, or in rural Texas, when they move to those 17 areas they know that. 18 And so most people who live in those areas 19 have access to a car -- access can be a friend or a 20 relative -- because they know they have to leave the 21 house at some time and they can't walk to the mall. 22 I go to the mall in my area, Willowbrook 23 Mall, for example, and I'm sure not everyone at 24 Willowbrook Mall that I see shopping has a car, and 25 there isn't a bus that takes them there, but they get</p>

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24 (Pages 93 to 96)

<p style="text-align: right;">93</p> <p>1 there.</p> <p>2 So I think most people who live in areas</p> <p>3 where there isn't public transportation know someone</p> <p>4 who can help them get to a doctor or get to the</p> <p>5 grocery store or get to the mall or get to DPS.</p> <p>6 That's just my -- I don't think most people move to</p> <p>7 the country without any ability to go anywhere.</p> <p>8 Q. But that's an additional burden that people</p> <p>9 without a car have to navigate?</p> <p>10 A. I don't think it's a burden. I think it's a</p> <p>11 choice that they have made to live in an area that</p> <p>12 maybe is less congested and -- that's their decision.</p> <p>13 I don't think it's a -- I think it's choice. I don't</p> <p>14 think it's a burden.</p> <p>15 Q. So if you live in a county without a DPS</p> <p>16 office, is that a choice you -- and you don't have a</p> <p>17 driver's license, is that a choice you've made that</p> <p>18 it's going to be more difficult for you to go get an</p> <p>19 acceptable form of voter identification or a burden</p> <p>20 that the state of Texas has imposed?</p> <p>21 MS. DONNELLY: Objection. Form.</p> <p>22 A. I can't -- I mean, you're asking me a</p> <p>23 question I can't possibly answer.</p> <p>24 Q. (BY MS. BALDWIN) Okay. Do you recall during</p> <p>25 the consideration of SB 362 that there was a</p>	<p style="text-align: right;">95</p> <p>1 you're asking me questions about a bill that didn't --</p> <p>2 in essence, we've passed a bill since then.</p> <p>3 But you're asking me about a bill that's five</p> <p>4 years old, that's one of -- if you asked me the same</p> <p>5 questions about most bills that passed or I voted on</p> <p>6 or voted against in 2009, my answer would be the same,</p> <p>7 because, you know, you just -- it's a lot of</p> <p>8 information that we -- you know, that we process at a</p> <p>9 given time and you move on to the next issue, so...</p> <p>10 Q. Okay. I'd like to show you some testimony</p> <p>11 that was given on SB 362 in an exhibit that I'll mark</p> <p>12 as Number 3.</p> <p>13 A. Okay.</p> <p>14 (Patrick Exhibit 3 marked/introduced.)</p> <p>15 Q. (BY MS. BALDWIN) Sitting here today, Senator</p> <p>16 Patrick, do you recall that there was any testimony</p> <p>17 presented to the Senate when it was meeting as a</p> <p>18 committee of the whole, about whether minority voters</p> <p>19 were less likely to possess acceptable photo ID than</p> <p>20 Anglo voters?</p> <p>21 A. I don't -- I don't remember the specific</p> <p>22 testimony. If it's here, I'm happy to read it, but I</p> <p>23 don't recall it.</p> <p>24 Q. Sure. I'd like to turn to, in this exhibit,</p> <p>25 which is testimony from Tuesday, March 10, 2009, on</p>
<p style="text-align: right;">94</p> <p>1 discussion of the percentage of registered voters who</p> <p>2 didn't have a driver's license on file with the</p> <p>3 Secretary of State?</p> <p>4 A. No.</p> <p>5 Q. Is that something that you would have</p> <p>6 considered?</p> <p>7 A. I don't know.</p> <p>8 Q. Would it have mattered to you if 12 percent</p> <p>9 of registered voters weren't on file with having a</p> <p>10 driver's license number with the Secretary of State?</p> <p>11 MS. DONNELLY: Objection. Form.</p> <p>12 Go ahead.</p> <p>13 A. I think I've answered this question already.</p> <p>14 You'd have to break down the 12 percent and -- you</p> <p>15 know.</p> <p>16 Q. (BY MS. BALDWIN) Did you seek to break down</p> <p>17 any number of voters who didn't have driver's license</p> <p>18 numbers on file with their voter registration record?</p> <p>19 A. Well, first of all, I answered that. I don't</p> <p>20 recall the conversation or that fact, so I don't</p> <p>21 recall.</p> <p>22 Q. You don't recall doing any follow-up about</p> <p>23 that?</p> <p>24 A. No. And I -- and I -- and I -- again, not</p> <p>25 trying to be argumentative or difficult, we're --</p>	<p style="text-align: right;">96</p> <p>1 the page that's Bates numbered TX 00004155, testimony</p> <p>2 from Tova Andrea Wang.</p> <p>3 A. Okay.</p> <p>4 Q. And I'm just going to read some of her</p> <p>5 testimony and ask for your reaction.</p> <p>6 A. Okay.</p> <p>7 Q. Starting on Line Number 25: "I want to start</p> <p>8 out talking about the disenfranchising impacts of</p> <p>9 voter ID such as this. I know that for probably all</p> <p>10 of you in the room -- and I would include myself -- it</p> <p>11 seems so easy. You have an ID in your pocket right</p> <p>12 now, probably several. But I have to really emphasize</p> <p>13 to you all that it's not the case for everybody. For</p> <p>14 some people, they don't have their ID, and it would be</p> <p>15 a real hardship for them to get that ID, and we need</p> <p>16 to understand this group in our society. In fact,</p> <p>17 about 10 percent of the American people don't have</p> <p>18 government-issued photo ID. And as has been pointed</p> <p>19 out repeatedly today, this is disproportionately the</p> <p>20 case with African-Americans, immigrants, the poor,</p> <p>21 people with disabilities, senior citizens and</p> <p>22 students.</p> <p>23 "There have been numerous studies to this</p> <p>24 effect. I want to point out one in particular,</p> <p>25 Brennan Center survey, talking just about income.</p>

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25 (Pages 97 to 100)

<p style="text-align: right;">97</p> <p>1 People with incomes lower than \$35,000 a year are 2 twice as likely not to have the kind of ID we're 3 talking about. 38 percent of Texans have incomes that 4 are less than \$35,000 a year. African-Americans are 5 three times less likely to have ID than whites. And, 6 in fact, one-fourth of African-Americans don't have 7 government-issued photo ID."</p> <p>8 Rereading that testimony now, Senator 9 Patrick, does it refresh your recollection as to 10 hearing it at the time, in 2009?</p> <p>11 A. No.</p> <p>12 Q. And do you know whether you took any steps to 13 look into the Brennan Center study that's cited in 14 this testimony?</p> <p>15 A. No.</p> <p>16 Q. You've testified repeatedly about relying on 17 polls showing support for photo ID. Did you do any 18 research about the impact of photo ID?</p> <p>19 A. Don't recall.</p> <p>20 Q. What's your reaction to this testimony, 21 sitting here today?</p> <p>22 MS. DONNELLY: Objection. Vague.</p> <p>23 A. Yeah, do you want -- would you like to be 24 specific?</p> <p>25 Q. (BY MS. BALDWIN) You've testified repeatedly</p>	<p style="text-align: right;">99</p> <p>1 would just lead, potentially, to a lot of questions. 2 So it doesn't -- it doesn't jump off the page at me.</p> <p>3 Q. (BY MS. BALDWIN) But the questions that it 4 would lead to today, they're not questions that you 5 recall doing anything to answer in 2009?</p> <p>6 MS. DONNELLY: Objection. Vague.</p> <p>7 A. I mean, I just don't recall. And the -- and 8 the other thing I was going to say, and I just kind of 9 paused for a second, it doesn't mean that some of 10 these people are -- I don't know what percentage were 11 over 65 and can vote by mail where you don't need a 12 photo ID.</p> <p>13 So, hypothetically, 80 percent of the 10 14 percent could be over 65 and vote by mail, so... And 15 that may have, you know, not been a question that I 16 asked. It may have gone through my thought process at 17 the time. I don't recall.</p> <p>18 Q. (BY MS. BALDWIN) SB 362 didn't ultimately 19 pass; is that correct?</p> <p>20 A. I'd have to go back and look at the flow of 21 the bill.</p> <p>22 Q. Do you --</p> <p>23 A. It didn't become law.</p> <p>24 Q. It didn't become law. That's a better way of 25 putting it. Thank you.</p>
<p style="text-align: right;">98</p> <p>1 that you just don't think that there are very many 2 people who lack photo ID.</p> <p>3 Does it concern you that there are studies 4 that show that up to 10 percent of people lack the 5 forms of photo ID that are --</p> <p>6 MS. DONNELLY: Objection. 7 Mischaracterizes testimony. 8 You can answer.</p> <p>9 A. First of all, I don't know what the Brennan 10 study is. I don't remember this testimony. I don't 11 believe I asked any questions based on the record. 12 I don't know if I studied the Brennan study. 13 I don't know if it's -- I don't know what it's based 14 on. But, again, as I said earlier, in the polls, you 15 know, so I -- you know, I don't know the validity of 16 it.</p> <p>17 Again, if I were to look at this, of that 18 percentage, some are listed with disabilities 19 and -- and we addressed that. Some of these folks 20 live in areas where they could easily get one.</p> <p>21 I don't even know what percentage of these 22 people -- what if the 10 percent of these people 23 aren't even registered to vote? I mean, I don't know 24 that they are or they aren't.</p> <p>25 So it doesn't -- you know, there -- this</p>	<p style="text-align: right;">100</p> <p>1 A. All right.</p> <p>2 Q. Do you know what happened to SB 362 in the 3 House?</p> <p>4 A. I do not recall.</p> <p>5 Q. I'd like to turn to SB 14, and I know we 6 talked about this a little bit at the beginning of the 7 day, but just to be clear: Could you explain what 8 your specific role was in the development of the 9 language of SB 14 as introduced?</p> <p>10 A. To the best of my recollection, pretty much 11 zero. To the best of my recollection. If there's 12 some document or someone would testify otherwise, then 13 my memory is refreshed. But as I recall, more than a 14 general discussion that maybe we had, in a caucus 15 meeting, about what should be in the bill of that.</p> <p>16 But specifically, myself, I don't recall 17 working with -- with the -- who I would view as the 18 author of the bill, Troy Fraser.</p> <p>19 And the -- and my only involvement, to answer 20 your question, was two amendments, as I recall. And I 21 refreshed my memory on this a little bit yesterday 22 because I didn't -- it was the amendment about people 23 with severe disabilities and an amendment with 24 Democratic Senator Hinojosa on CHLs.</p> <p>25 So that would have been my only involvement</p>

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<p style="text-align: right;">101</p> <p>1 with the -- with the author, and I think that occurred 2 somewhere -- so we need -- I want to be very clear 3 that I'm answering accurately. 4 I didn't craft the bill. But at some point I 5 believe that I talked with the author of the bill, 6 hence Senator Hinojosa, and said, "Look, you know, I 7 think we ought to do these things." But in terms of 8 the overall bill, to my recollection, very little. 9 Q. Prior to the bill being introduced in this 10 next session as SB 14, were there discussions of what 11 the provisions of it should be in Republican caucus 12 meetings? 13 A. You know, I -- there could have been and 14 there probably were, but I -- I don't recall. I don't 15 really remember anything specific, you know. 16 We -- we were probably talking about a lot of 17 different things, as we would normally do with an 18 upcoming session of what bills we want to move 19 forward, and I'm sure this was part of that 20 discussion. 21 Q. Do you recall any discussion about changes 22 that should be made to 362 and to the bill that became 23 SB 14? 24 A. I don't recall -- I don't recall the 25 discussion. But obviously, somewhere along the line,</p>	<p style="text-align: right;">103</p> <p>1 involved actually in drafting; is that correct? 2 A. And I want to be very careful how to answer 3 that. I don't recall being heavily involved in the 4 crafting of this bill. 5 Could there have been a discussion? Could 6 someone have asked me my thoughts on something 7 beforehand that was part of the bill? Could have. 8 But I was, in the typical sense, an author of 9 a bill, who would kind of birth it and write it and 10 edit it and review it with people, I was not in 11 that -- I was not at that point. 12 Q. And, again, even as you're qualifying that 13 you may have had conversations, is it correct that 14 sitting here today you remember none of the specifics 15 of any such conversation or even general topics or 16 even who you spoke to? 17 A. With the exception of, I -- and I don't even 18 recall the conversations. But obviously, since 19 Senator Hinojosa and I passed an amendment that I 20 think I was a joint author of the amendment or 21 co-author of the amendment, I think, obviously, I 22 discussed that with him. 23 And my -- and any time you offer an 24 amendment -- I shouldn't say any time. Most of the 25 time when you offer an amendment, you go to the author</p>
<p style="text-align: right;">102</p> <p>1 there was a discussion. I just don't know if I was in 2 it or not, or if it was Senator Fraser and a small 3 group of people or a big group of people making the 4 changes. 5 Q. Did you do any independent research on voter 6 ID in between consideration of 362 and SB 14 for your 7 own purposes? 8 A. I don't recall. I don't recall. 9 (Patrick Exhibit 4 marked/introduced.) 10 Q. (BY MS. BALDWIN) I'm going to hand you a 11 document to be marked as Exhibit 4. And at the top of 12 this document it identifies that it is SB No. 14. 13 A. Okay. 14 MR. CLAY: I'm sorry, this is 4? 15 MS. BALDWIN: Yes. 16 Q. (BY MS. BALDWIN) Do you recognize this 17 document, Senator Patrick? 18 A. Again, very specifically, do I recognize it? 19 No. But I see that it is a bill. 20 Q. And do you see that it's the signed version 21 of SB 14? 22 A. Yes, ma'am. 23 Q. And as we discussed earlier, you were listed 24 as an author of this bill. But as you've just 25 testified, just to make sure I understand, you weren't</p>	<p style="text-align: right;">104</p> <p>1 of the bill and say, "Look, I'd like to author this 2 amendment. What do you think? Would you accept it or 3 not accept it? And if not, what can I do so you'll 4 accept it?" 5 So, obviously, there was a discussion at some 6 point with Senator Fraser, but I don't recall the 7 specifics. 8 Q. Were all Republican senators listed as 9 authors of SB 14? 10 A. I don't know. I just don't know. I think 11 possibly, but I don't know. 12 Q. Let me see if this document -- it's just a 13 legislative history document -- refreshes your 14 recollection. 15 A. Yes, this would show that -- well, let me 16 see. There were 20 of us. So I see 19 names. 17 Q. Okay. 18 A. I don't know if that's just an error or... 19 Q. Okay. Are all of the names listed of 20 Republican senators? 21 A. Yes. 22 Q. And is it unusual to have 19 people all 23 listed as authors on a bill? 24 A. No. I passed my first legislation, I put "In 25 God We Trust" in the Senate, and I had 31, as I</p>

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<p style="text-align: right;">105</p> <p>1 recall, authors. All Democrats and all Republicans 2 who were authors. So I don't know how frequently it 3 happened, but it's not -- it's -- it happens. 4 Q. And why were so many people -- why did you 5 want to be listed as an author on this bill, yourself, 6 personally? 7 A. I don't even know that I -- personally, I 8 don't recall asked to be. I don't know that anyone 9 asked. It may have just been an accommodation that 10 Senator Fraser -- you'd have to ask him. I don't -- I 11 don't recall. 12 Because, again, in the last deposition I 13 didn't even remember that, to be honest with you. I 14 was confused. I kept saying, "I'm not an author." 15 And they kept saying, "Yes, you are." And I said, 16 "No, I'm not." And -- and then I figured out why. 17 So I -- I don't recall asking. I don't know 18 if anyone asked. He may have just said, "Look, I'd 19 like for all of you to author the bill." It was a 20 piece of legislation that -- that we were proud of. 21 And -- and when I passed "In God We Trust" in 22 the Senate, no one asked me, but I just went to the 23 senators and said, "Look, I'm going to -- it hasn't 24 been up there in 100 years and would you like to be an 25 author of it?" And so that's probably how it</p>	<p style="text-align: right;">107</p> <p>1 A. And let me clarify that, since the question 2 was asked, and maybe I shouldn't have been so quick to 3 answer. If you're suggesting that this bill did not 4 impact mail-in ballots, then that would be correct. 5 That's how I'm interpreting your question, and I 6 should not interpret your question. 7 Q. (BY MS. BALDWIN) Can you think of any other 8 kind of fraud that SB 14 -- other than in-person voter 9 impersonation -- would work to prevent? 10 A. As I sit here today, no. I would have to 11 study all that. 12 Q. Okay. Could you turn to page 9 of the bill, 13 which is Section 14? 14 A. Was this an exhibit, by the way? You handed 15 this to me. 16 Q. It's just to refresh your recollection. 17 A. Okay. All right. 18 Q. And this is the section that sets out the 19 allowable forms of photo ID under SB 14; is that 20 correct? 21 A. Yes. 22 Q. Do you know why these specific forms of 23 identification were included and not others? 24 A. I do not. 25 Q. Did you have any conversations with</p>
<p style="text-align: right;">106</p> <p>1 happened. 2 Q. Was SB 14 a priority of the Republican Party 3 of Texas? 4 A. We have a lot of priorities each session and 5 that was a -- that was one of our priorities. 6 Q. What was the purpose of SB 14? 7 A. As I answered earlier: To protect the 8 integrity of the ballot box and -- and pass a bill 9 that the vast majority of people had indicated they 10 wanted passed and believed should pass. 11 Q. So is it fair to say that the purpose of 12 SB 14 was the same purpose as SB 362? 13 A. I'm always careful when you characterize 14 something, but I think that's probably a fair 15 characterization. 16 Q. And is the only kind of fraud that could have 17 been prevented by SB 14 in-person voter impersonation 18 fraud? 19 A. I -- I believe that would be an accurate 20 statement. 21 MR. CLAY: Could you read the question 22 back again, please. 23 THE REPORTER: "And is the only kind of 24 fraud that could have been prevented by SB 14 25 in-person voter impersonation fraud?"</p>	<p style="text-align: right;">108</p> <p>1 constituents about what forms of ID to include in this 2 bill? 3 A. If I did, I don't recall specifics. And when 4 I -- in the previous question, I said "I do not," 5 what -- I don't recall any, so, of -- or why. 6 Q. Did you have any conversations with -- other 7 than about the concealed handgun license -- with other 8 senators -- about what forms of ID to include in the 9 bill? 10 A. I may or may not have. I don't recall. 11 Q. Do you know if under SB 14 a voter can show 12 nonphoto ID and still cast a regular ballot? 13 A. I'd have to go back through and be sure, but 14 I believe you must have a photo voter ID. 15 Q. So that's a difference between SB 362 and 16 SB 14; is that right? 17 A. Yes, ma'am. 18 Q. And what was the purpose of removing the 19 option of showing nonphoto ID from the prior bill? 20 A. You'd have -- you'd have to ask other folks. 21 I don't know. 22 Q. Do you know who made that decision? 23 A. I do not. No. 24 Q. So you're not aware of what changed between 25 2009 and 2011 that made nonphoto ID acceptable in one</p>

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<p style="text-align: right;">109</p> <p>1 session but not in this session?</p> <p>2 MS. DONNELLY: Objection. Form.</p> <p>3 You can answer.</p> <p>4 A. I don't know that this is the accurate</p> <p>5 answer, but it could be part of the answer. For</p> <p>6 example, when we go into session in 2015, this coming</p> <p>7 session, of the 31 senators, I believe 22 will be new</p> <p>8 since I was elected.</p> <p>9 And I believe in 2011 -- I'd have to go back,</p> <p>10 but I think there were two new -- I can't remember the</p> <p>11 mix, but you always have different members and</p> <p>12 different members have different contributions to a</p> <p>13 bill or different opinions on a bill. So you may have</p> <p>14 had -- may have had members on any given bill.</p> <p>15 Bills all the time change from session to</p> <p>16 session because members change. Maybe sometimes</p> <p>17 information changes, but it's usually, you know,</p> <p>18 members that change. In the House we have an even</p> <p>19 bigger turnover, so that -- that may have been part of</p> <p>20 it, but that's speculation and I shouldn't speculate.</p> <p>21 Q. (BY MS. BALDWIN) But other than personnel</p> <p>22 change, in substance you don't know why SB 14 was made</p> <p>23 more restrictive?</p> <p>24 MS. DONNELLY: Objection. Form.</p> <p>25 A. I don't recall. But, you know,</p>	<p style="text-align: right;">111</p> <p>1 A. Not that I recall.</p> <p>2 Q. Would that have been information that would</p> <p>3 have been useful to consider?</p> <p>4 A. Yeah, that's a -- kind of a hypothetical. I</p> <p>5 mean, we -- well, this issue, you know, we had already</p> <p>6 worked on the session before, and so whatever</p> <p>7 information was available was available. And we had</p> <p>8 debated it, considered it and heard testimony. So --</p> <p>9 so -- you know, I just don't -- I don't recall</p> <p>10 anything in 2011 specifically.</p> <p>11 Q. The bill changed significantly from 2009 to</p> <p>12 2011, didn't it?</p> <p>13 MS. DONNELLY: Objection. Form.</p> <p>14 A. Yeah, I -- you know, it depends on how you</p> <p>15 say signifi- -- I'd have to go back and read and</p> <p>16 compare it and do an analysis, but obviously there</p> <p>17 were some changes.</p> <p>18 Q. (BY MS. BALDWIN) And you don't know, again,</p> <p>19 the reason for why any of those changes were made?</p> <p>20 A. If I did then, I don't remember today why the</p> <p>21 changes were made.</p> <p>22 Q. Would you agree that SB 362 was a more</p> <p>23 lenient bill in the sense that there were more forms</p> <p>24 of ID that were acceptable than SB 14?</p> <p>25 A. I wouldn't characterize it as "lenient." It</p>
<p style="text-align: right;">110</p> <p>1 this -- today, sitting here, I don't recall.</p> <p>2 Q. (BY MS. BALDWIN) Do you know what the purpose</p> <p>3 of removing the option for a voter to show a</p> <p>4 federally-issued photo ID as was allowed under SB 362</p> <p>5 was?</p> <p>6 A. I don't -- I -- these are some of these areas</p> <p>7 that sometimes if you're sitting with someone and they</p> <p>8 refresh your memory, you say, "Oh, yeah, okay, I</p> <p>9 remember that." But sitting here today, I don't</p> <p>10 recall.</p> <p>11 And as I said at the very beginning, I have</p> <p>12 had -- I have had, to my recollection, very, very</p> <p>13 little conversation about the bill since it's passed,</p> <p>14 or communication since it's passed. It passed and we</p> <p>15 moved on. So it's not something I've thought about</p> <p>16 since 2011.</p> <p>17 Q. Did you conduct any analyses as to how many</p> <p>18 registered voters possess the required forms of ID</p> <p>19 required by SB 14?</p> <p>20 A. Not that I recall.</p> <p>21 Q. Did you ask that any analysis be conducted?</p> <p>22 A. Not that I recall.</p> <p>23 Q. Are you aware of any supporters of SB 14 who</p> <p>24 asked for any analysis of how many voters had the</p> <p>25 required forms of ID?</p>	<p style="text-align: right;">112</p> <p>1 was just a different bill.</p> <p>2 Q. How would you characterize the difference</p> <p>3 between the differences in allowable IDs between the</p> <p>4 two bills?</p> <p>5 A. I wouldn't characterize it. I would let the</p> <p>6 documents speak for themselves. And there were</p> <p>7 more -- there were more options under 362 than 14.</p> <p>8 Q. Does it follow that the more options there</p> <p>9 are, the more likely a voter is to have one of those</p> <p>10 acceptable options?</p> <p>11 A. Not necessarily. But, you know, I mean, the</p> <p>12 purpose of the bill was to protect the integrity of</p> <p>13 the ballot box, and I think at the end of the day</p> <p>14 there had obviously been a decision between 2009 and</p> <p>15 2011 that this was a better bill.</p> <p>16 Q. So is it your view that SB 14 served that</p> <p>17 purpose better than SB 362?</p> <p>18 A. To protect the integrity of the ballot box,</p> <p>19 yes.</p> <p>20 Q. And why is that?</p> <p>21 A. Because we eliminated being able to vote</p> <p>22 without a photo that you could do in SB 362.</p> <p>23 Q. Do you recall during the consideration of</p> <p>24 SB 14 of whether other senators raised concerns about</p> <p>25 the burdens that voters without an ID would face in</p>

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<p style="text-align: right;">113</p> <p>1 getting an election identification certificate from 2 DPS? 3 A. I don't recall. 4 Q. Do you recall there being any testimony about 5 the fact that not all counties have a DPS office? 6 A. You'd have to show it to me, but I do recall 7 that that was a question. I mean, I don't recall the 8 extent of it or who did -- or who said what, but... 9 Q. And was there also debate about and testimony 10 about the fact that even in counties that have DPS 11 offices, they're not necessarily open five days a 12 week, some are only -- have limited hours? 13 A. I don't recall that specific. 14 Q. Did the legislature do anything to address 15 the fact that not every county has DPS offices? 16 A. I don't know specifically. I'd have to go 17 back and look at my own amendment. I think that may 18 have been addressed for people with severe 19 disabilities, but I'm not positive. 20 Q. But other than for disabled voters; for poor 21 voters, for example? 22 A. I don't recall. You'd have -- the document, 23 as I often say on the Senate floor, in a debate, 24 speaks for itself. 25 Q. Would you agree that for some voters without</p>	<p style="text-align: right;">115</p> <p>1 never heard one Democrat senator or a Republican 2 senator who represents a rural area, since this bill 3 passed, say to me that it was a burden. 4 Q. Have you actively inquired, as to whether 5 it's a burden, from any colleagues? 6 A. I don't actively inquire on a number of bills 7 that we pass. Usually, if there's a problem with a 8 bill that we pass, someone will bring it up to you, 9 you don't have to ask them, if they're a problem. 10 Q. But you've represented a number of times that 11 there are hundreds of bills, thousands of votes, and 12 that after it's done you put it out of mind. 13 A. Uh-huh. 14 Q. But you expect that if there are problems 15 people will bring it up affirmatively without you 16 taking any further investigation? 17 A. That's pretty much how the system works. You 18 know, sometimes you pass legislation that just may 19 have a techni- -- you know, some kind of -- as we call 20 them, unintended consequences at times. And, believe 21 me, either -- you know, someone brings it to your 22 attention. And sometimes it's valid to try and fix it 23 in the next session, sometimes it's not. 24 But, I mean, I can sit here honestly today 25 and say I don't think I've had one senator, including</p>
<p style="text-align: right;">114</p> <p>1 acceptable ID, the farther they have to travel to get 2 an EIC, the less likely they are to get one? 3 MS. DONNELLY: Objection. Form. 4 A. Yeah. Again, you're characterizing it, 5 but -- but my answer would be no. 6 Q. (BY MS. BALDWIN) So you think if a voter has 7 to travel 150 miles round-trip, that's not going to 8 impact whether or not they get an EIC? 9 A. Once again, you would have to give me the 10 specifics of that voter. Is that voter over 65? If 11 they're over 65, they can vote from mail, so it 12 obviously wouldn't impact them. You would have to 13 give me the specifics of a voter who you might be 14 trying to make that case for. 15 Has that voter ever gone anywhere from their 16 home -- anywhere near a DPS office, in between 17 elections or before an election? Because you only 18 have to do it once. So you'd have to give me the 19 specifics of a given person. 20 And as I've said earlier, to my knowledge we 21 haven't had any complaints from people who live in 22 these counties that don't have DPS -- to my knowledge 23 we haven't had any complaints of people saying, "Yeah, 24 gosh, I just never ever got by DPS to get a photo ID." 25 It's just -- and I've never heard any -- I've</p>	<p style="text-align: right;">116</p> <p>1 a Democrat, come back and say, you know, this -- "Dan, 2 this really didn't work out; you know, we need 3 to -- or we need to fix something, you know, we need 4 to make a change in the bill." 5 And we -- and, look, we've already had a 6 session in 2013 and I don't -- I stand to be 7 corrected, you can check the records. 8 I don't think one Democrat -- and every 9 Democrat voted against it. I don't think one Democrat 10 tried to amend this bill in any way or update it in 11 the last session. They may have, but I don't remember 12 it. 13 Q. Would there have been any likelihood that a 14 repeal of this bill could pass? 15 A. Not a repeal. I said to fix it. In other 16 words, if there's a problem, if you came to me and 17 said, "Dan, you know, this is a problem in my district 18 and I know the bill's not going to be repealed 19 and -- you know, but can we fix this? Can we try 20 to?" 21 I do not know of one Democrat senator who 22 came to me or made it an issue. I don't remember one 23 article. I don't -- I just -- but I think that's 24 because I don't think the Democrats are getting much 25 pushback in their district or questions.</p>

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<p style="text-align: right;">117</p> <p>1 Q. But that's just your assumption, you haven't</p> <p>2 actively sought out that information?</p> <p>3 MS. DONNELLY: Objection.</p> <p>4 Argumentative.</p> <p>5 A. Well, what I'm saying to you is not an</p> <p>6 assumption. Well, it's -- yeah, I don't know if</p> <p>7 anyone has complained to the -- what -- what I do -- I</p> <p>8 do not recall. Maybe someone said something to me in</p> <p>9 passing or something or at lunch, but I do not recall</p> <p>10 any Democrat senator or Republican senator saying that</p> <p>11 we need to go back and tweak this, in any way, shape,</p> <p>12 or form.</p> <p>13 And I don't know that any -- maybe a bill was</p> <p>14 filed to do so. I -- you know, I don't know. But</p> <p>15 there was no -- maybe there was a bill filed to repeal</p> <p>16 it because sometimes people will just file bills to,</p> <p>17 you know, file a bill. But in terms of a serious</p> <p>18 change, I'm not aware of the Democrats coming to us</p> <p>19 with any serious change.</p> <p>20 And, again, being chair of education where I</p> <p>21 really do have my arms around what happens, the best</p> <p>22 example I can give you is several years ago we voted</p> <p>23 for a number of standard state tests to graduate from</p> <p>24 high school.</p> <p>25 We had enough negative feedback from enough</p>	<p style="text-align: right;">119</p> <p>1 A. I don't -- I have not followed the legal</p> <p>2 wranglings of this legislation since then.</p> <p>3 Q. So that -- you've talked about, it's only had</p> <p>4 good effects. But you're not aware, at all, of what</p> <p>5 the D.C. District Court held or its reasoning why?</p> <p>6 A. I respect the courts, but I'm more</p> <p>7 con- -- quite frankly, more concerned with my</p> <p>8 constituents and the people of Texas, say, or even my</p> <p>9 fellow colleagues on the floor; and that's what I was</p> <p>10 base -- basing my statement, that so far everybody</p> <p>11 seems to be happy and there aren't very many</p> <p>12 complaints, or none that I'm aware of.</p> <p>13 Q. So you're not aware that the D.C. court found</p> <p>14 that, for example, the poverty rate in Texas is 25</p> <p>15 percent for Hispanics, 23 percent for</p> <p>16 African-Americans, as compared to just 8 percent for</p> <p>17 whites; and that that means, quote, "the burdens of</p> <p>18 obtaining an EIC will almost certainly fall more</p> <p>19 heavily on minorities"?</p> <p>20 A. I'm not aware of that.</p> <p>21 Q. So because you weren't aware of that, you</p> <p>22 couldn't consider whether that court finding was</p> <p>23 something that might cause you to want to take</p> <p>24 legislative action?</p> <p>25 MR. CLAY: Objection. Form.</p>
<p style="text-align: right;">118</p> <p>1 parents and enough teachers and enough</p> <p>2 superintendents, that collectively we went back and</p> <p>3 changed the number of state tests. We reduced them</p> <p>4 from 15 to 5 last session.</p> <p>5 So what I'm suggesting to you is, when we</p> <p>6 pass major legislation -- and, again, every bill's</p> <p>7 important -- the legislation impacts a large number of</p> <p>8 people, that it is not uncommon for senators to go</p> <p>9 back in another session or two sessions and say, "You</p> <p>10 know what, we can improve it; we can make it better."</p> <p>11 And so all I'm saying to you is, that in 2013</p> <p>12 I'm not aware of anyone coming to us or -- or the</p> <p>13 Democrat caucus, or a group of senators coming and</p> <p>14 saying, "Look, this is the law, and we have to live</p> <p>15 with the law." That's out of the lawsuit. But -- but</p> <p>16 would -- "Would you-all work with us and change this?"</p> <p>17 I'm just not aware of it.</p> <p>18 Q. (BY MS. BALDWIN) There was some negative</p> <p>19 feedback after SB 14 was passed, in the form of the</p> <p>20 opinion of the three-judge court and the Section 5</p> <p>21 litigation. Did you read the opinion in that case?</p> <p>22 A. Sorry, no. I -- I don't -- I don't follow.</p> <p>23 Q. Are you aware that that court found that</p> <p>24 SB 14 would have a retrogressive, a negative impact,</p> <p>25 on minority voters?</p>	<p style="text-align: right;">120</p> <p>1 A. Well, it apparently hasn't motivated any</p> <p>2 Democrats to want to take, say, "legislative action",</p> <p>3 that I'm aware of.</p> <p>4 Q. (BY MS. BALDWIN) But it hasn't motivated any</p> <p>5 supporters of SB 14, as far as you're aware?</p> <p>6 A. I'm not aware.</p> <p>7 Q. Were you surprised by the D.C. court ruling?</p> <p>8 A. Sitting here today, I couldn't even tell you</p> <p>9 what the D.C. court ruling was.</p> <p>10 Q. And just to confirm then: While SB 14 was</p> <p>11 pending, you didn't conduct an analysis of the impact</p> <p>12 of the bill on minority voters, as far as you recall?</p> <p>13 A. I think I've answered that multiple times;</p> <p>14 but either, I don't recall something specifically</p> <p>15 in -- or I considered it and moved forward and voted</p> <p>16 for the bill. I -- I just don't recall.</p> <p>17 Q. Okay. And you're not aware of any of the</p> <p>18 supporters of SB 14 conducting an analysis of the</p> <p>19 impact of SB 14 on minority voters?</p> <p>20 A. I'm not aware what other senators do or do</p> <p>21 not do.</p> <p>22 Q. I'd like to talk about the amendments that</p> <p>23 were offered to SB 14 during the consideration of the</p> <p>24 bill.</p> <p>25 MS. DONNELLY: Counsel, are you about to</p>

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<p style="text-align: right;">121</p> <p>1 move to a new area?</p> <p>2 MS. BALDWIN: Sure.</p> <p>3 MS. DONNELLY: It's ten after 12:00.</p> <p>4 I'm wondering if we could take just a brief lunch</p> <p>5 break.</p> <p>6 MS. BALDWIN: That's fine.</p> <p>7 (Lunch break.)</p> <p>8 Q. (BY MS. BALDWIN) Going back on the record,</p> <p>9 I'd like to talk about some of the amendments that</p> <p>10 were considered with respect to SB 14 and --</p> <p>11 MS. BALDWIN: Have we already marked</p> <p>12 those or not yet?</p> <p>13 MS. DONNELLY: SB 14 is 4.</p> <p>14 MS. BALDWIN: But the --</p> <p>15 THE WITNESS: I haven't seen the</p> <p>16 amendments, I don't think.</p> <p>17 Q. (BY MS. BALDWIN) Okay. Great. So I'm going</p> <p>18 to hand you a document to be marked Exhibit 5.</p> <p>19 (Patrick Exhibit 5 marked/introduced.)</p> <p>20 Q. (BY MS. BALDWIN) And, Senator Patrick, do you</p> <p>21 see that this is a Senate Journal from January 26,</p> <p>22 2011?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Okay. Could you turn to page 133 of this</p> <p>25 document?</p>	<p style="text-align: right;">123</p> <p>1 And so I thought about that and I looked at</p> <p>2 the Indiana law, as I recall, at the time, and they</p> <p>3 had made an exception for that, and I also -- as I</p> <p>4 said earlier, we try and write things that will -- you</p> <p>5 know, will stand up in court.</p> <p>6 And so my only function is, you know, my</p> <p>7 amendment. But looking at the bill, and I saw what</p> <p>8 Indiana -- and I believe at the time Indiana had</p> <p>9 been -- I guess it didn't have to be approved because</p> <p>10 they weren't under Section 5, but -- so based on the</p> <p>11 Indiana model and based on thinking about that issue,</p> <p>12 I offered that amendment.</p> <p>13 Q. So you were concerned that for some people</p> <p>14 getting to a DPS office to get an alternative form of</p> <p>15 ID would be difficult?</p> <p>16 A. If they were severely disabled, I was</p> <p>17 concerned.</p> <p>18 Q. And why only severely disabled? What was</p> <p>19 particular about that group of voters?</p> <p>20 A. Well, because they -- they -- they might be a</p> <p>21 voter who, if they were severely disabled, never</p> <p>22 served in the military, so they wouldn't have a</p> <p>23 military ID.</p> <p>24 If they were severely disabled -- and they</p> <p>25 had to have doc- -- a letter from a doctor. I forget</p>
<p style="text-align: right;">122</p> <p>1 A. I'm there.</p> <p>2 Q. Okay. And Floor Amendment No. 35, is this an</p> <p>3 amendment that you sponsored?</p> <p>4 A. I believe it is. I was the -- I believe I</p> <p>5 was the author of it.</p> <p>6 Q. Okay. And what's the subject of this</p> <p>7 amendment?</p> <p>8 A. The subject of the amendment, as I</p> <p>9 recall -- I'd have to read it specifically here.</p> <p>10 Q. Feel free, if you'd like to take a moment.</p> <p>11 A. Yeah, let me read it. Yeah, let me just read</p> <p>12 it. I know what the goal was, but let me see</p> <p>13 specifically.</p> <p>14 Okay. It was to acknowledge that some people</p> <p>15 with disabilities who lived in rural areas wanted to</p> <p>16 be sure that they did -- that they were able to vote.</p> <p>17 And I remember one conversation. I do</p> <p>18 remember that someone came to me from the disabled</p> <p>19 community and said, "Dan, a lot of people who are</p> <p>20 disabled, who depend on someone to get them somewhere,</p> <p>21 can get someone to drive them to the...", they can</p> <p>22 vote by mail if they'd like, but they want to vote in</p> <p>23 person. And so they can get someone to drive them to</p> <p>24 the poll, but they might not be able to get someone to</p> <p>25 drive them, you know, 30, 40 miles.</p>	<p style="text-align: right;">124</p> <p>1 how we defined it at the time. They had to have a</p> <p>2 letter that they were severely disabled.</p> <p>3 They may not have a CHL because maybe they</p> <p>4 just wouldn't need to carry a gun anywhere because</p> <p>5 they're kind of immobile.</p> <p>6 And a third reason, if, you know,</p> <p>7 they're -- they still may want to be independent and</p> <p>8 want to be able to vote in person. And so it made</p> <p>9 sense to me, it seemed like the right thing to do.</p> <p>10 Q. Did you consider including a separate</p> <p>11 exemption on the basis of indigency?</p> <p>12 A. I did not.</p> <p>13 Q. Could some of those same considerations that</p> <p>14 make it difficult for a person who's disabled to get</p> <p>15 to DPS also apply to somebody who is poor?</p> <p>16 A. I -- obviously, at the time, I didn't -- I</p> <p>17 didn't consider that at the same level of this. And I</p> <p>18 have -- and I've been on the -- I've been the chairman</p> <p>19 of the charity for children with severe disabilities</p> <p>20 since 1988 and so I work a lot with the disabled</p> <p>21 community and -- and some -- there is a -- there is a</p> <p>22 difference from being poor and being totally disabled.</p> <p>23 Q. But regardless of whether the burdens are the</p> <p>24 same, could there be similar burdens that could apply</p> <p>25 to the poor?</p>

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<p style="text-align: right;">125</p> <p>1 MS. DONNELLY: Objection. Form. 2 A. You know, I can't speculate on that. I 3 just -- you know, as I've said multiple times today, I 4 believe that it was not an undue burden to ask people 5 to have a photo voter ID in the world that we live in 6 today in order to vote. 7 But with someone who was severely disabled, 8 who -- especially if they've been disabled their whole 9 life, may have never driven a car, and so that would 10 knock them out of a driver's license and military -- 11 it just seemed to me to be -- and I looked at -- 12 again, I looked at the Indiana law and they had 13 obviously thought through it as well, and I thought it 14 made sense. 15 Q. (BY MS. BALDWIN) This amendment also included 16 an exemption for showing ID for voters over 70 years 17 of age; is that right? 18 A. Let me look at it here. 19 Q. In subsection (h)(1). 20 A. Yes. Yes. I'm looking at this. 21 Yes. As I'm reading it, I mean, the document 22 speaks for itself. "The requirements for 23 identification...do not apply..." Yeah. 24 And, you know, to be very candid with you, I 25 don't remember that part of the amendment. That -- I</p>	<p style="text-align: right;">127</p> <p>1 just don't -- you know, I honestly don't remember the 2 circumstances of that. I just don't -- I don't 3 remember. 4 Q. And you're not aware of the racial 5 demographics of voters 70 years of age or older -- 6 A. No -- 7 Q. -- in Texas? 8 A. -- I'm not. 9 Q. Other than the individual you mentioned from 10 the organization for the disabled, did you talk to 11 anybody else in deciding to introduce this amendment? 12 A. I don't recall. I'm sure -- I'm positive I 13 would have had a conversation with Senator Fraser, as 14 the author of the bill. 15 Q. Were you concerned that without such an 16 amendment the bill would not pass constitutional 17 muster? 18 A. I -- as I recall, I do recall thinking that. 19 And I don't remember -- I don't remember the 20 circumstances or the -- the specifics of it. 21 But it seemed to me there was some discussion 22 that the -- would the Indiana -- well, I'm not asking 23 you questions. I don't know if the Indiana law 24 was -- it ever went to the courts or not. 25 But it was -- seemed to be something along</p>
<p style="text-align: right;">126</p> <p>1 was so focused on the disabled. But I don't -- I 2 don't remember that part of it. But, obviously, it 3 speaks for itself. 4 Q. So you don't recall why you included age in 5 this? 6 A. No. I don't know if -- it may have been 7 another member who asked me would -- would I add it. 8 I wonder if it was amended on the floor, a 9 floor amendment? It doesn't look that way. I -- you 10 know, I just -- I don't recall the circumstances of 11 it. 12 Q. So voters who are 70 years of age or older 13 already would have been able to vote by mail? 14 A. Yes. 15 Q. But did you think it was important that they 16 still have the same opportunity to vote in person -- 17 A. Well, I always -- 18 Q. -- even if they didn't have an ID? 19 A. -- I always think everyone -- I think 20 everyone should have the opportunity to vote, however 21 they want to vote, you know. 22 More and more -- more and more seniors are 23 voting by mail as every election goes by. More and 24 more people vote early as every election goes by, 25 and -- but some people like to vote in person. I</p>	<p style="text-align: right;">128</p> <p>1 the lines of, the Indiana law was viewed as -- as the 2 courts upheld it, or I don't know if it was 3 challenged. Again, I know it wasn't under 4 preclearance. 5 But for some reason, I had the belief that 6 the Indiana law passed muster with the courts and they 7 had had that included. So that was probably a part of 8 the discussion. 9 Q. So was this your idea to include this, or did 10 someone suggest to you that this amendment would be 11 helpful? 12 A. I can't say for certain. I think it was 13 more -- I do, in my recollection. And I could be 14 wrong. Senator Fraser may have a different 15 recollection, so... 16 MS. DONNELLY: And if you're about to go 17 into communications that Senator Fraser made to you, 18 please do not. 19 THE WITNESS: Yeah. 20 A. So I won't -- I just remember going to him 21 and saying, "I'll offer this amendment." But I don't 22 remember the circumstances of it. 23 But, again, because of my 25-year history of 24 working with the disabled, it may have been someone 25 came to me and said, "Dan, you know, you have a...",</p>

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<p style="text-align: right;">129</p> <p>1 and the senators are well aware of that because we've</p> <p>2 done certain things on the floor with the disabled</p> <p>3 community that I've been involved with.</p> <p>4 So it may have been brought to me. I may</p> <p>5 have, you know, created it. I'm not sure. But I</p> <p>6 ended up offering it.</p> <p>7 Q. (BY MS. BALDWIN) Were you concerned that for</p> <p>8 disabled voters or for voters over age 70 that it</p> <p>9 would be more difficult for them to have access to the</p> <p>10 underlying documents that they would need in order to</p> <p>11 get an EIC?</p> <p>12 A. Again, I do not recall the circumstances of</p> <p>13 the 70s -- of the 70-year-old or older.</p> <p>14 And I think I've answered the other question</p> <p>15 that I -- of the severely disabled who -- who lived in</p> <p>16 a rural area of Texas. That was my main focus.</p> <p>17 Q. Okay. I just wanted to distinguish the</p> <p>18 travel to DPS. I understand, from your statements</p> <p>19 about the rural area.</p> <p>20 But did you have any separate concern about,</p> <p>21 for some voters, such as the disabled, getting the</p> <p>22 underlying documentation that you need to show in</p> <p>23 order to get an EIC? Was that a concern?</p> <p>24 A. I don't recall.</p> <p>25 Q. Were you concerned that absent an amendment</p>	<p style="text-align: right;">131</p> <p>1 required a letter from a doctor.</p> <p>2 Anyone with a handicapped -- plus, which, the</p> <p>3 people who criticized me for it weren't thinking; if</p> <p>4 you have a handicapped parking sticker, you most</p> <p>5 likely have a driver's license.</p> <p>6 Q. (BY MS. BALDWIN) Right. In fact, were you</p> <p>7 called a RINO, a Republican-in-name-only, for this --</p> <p>8 A. I don't know specifically if I was, but I</p> <p>9 wouldn't be shocked, okay?</p> <p>10 Q. Were there any particular organizations that</p> <p>11 had that concern that this was a loophole?</p> <p>12 A. I -- I remember seeing an e-mail yesterday as</p> <p>13 we -- as I said earlier, that we met. And there was,</p> <p>14 I think, an e-mail to me, to -- I don't know if it was</p> <p>15 specifically to Catherine Englebreth or to True the</p> <p>16 Vote. I do -- I hadn't remembered it, but I saw it</p> <p>17 yesterday, so...</p> <p>18 Q. So there were -- True the Vote was one of the</p> <p>19 organizations that was concerned that this was</p> <p>20 creating a loophole?</p> <p>21 A. Well, and it was just their misunderstanding</p> <p>22 of what the amendment did. They -- they weren't</p> <p>23 concerned, I don't believe -- I can't speculate what</p> <p>24 their -- but the main concern was the handicapped</p> <p>25 parking placards.</p>
<p style="text-align: right;">130</p> <p>1 like this, that for the voters that it targeted, if</p> <p>2 there weren't these exemptions, that they might not</p> <p>3 vote in Texas elections?</p> <p>4 MR. CLAY: Objection. Form.</p> <p>5 A. Yeah, I -- you know, the only thing I recall</p> <p>6 is -- is something to do with Indiana law; but I</p> <p>7 believe I'm correct that it was in their law. And</p> <p>8 that, being someone who is pretty aware of the</p> <p>9 disabled community, that it just seemed to register</p> <p>10 with me as being the right thing to do.</p> <p>11 And -- and I took some criticism from the</p> <p>12 grassroots for it, because they mistakenly thought I</p> <p>13 was creating a loophole for anyone who had a disabled,</p> <p>14 handicapped placard to park; which, we have, as I</p> <p>15 recall, about a half million of those. I don't know</p> <p>16 if it's in the state or -- it would in the state. It</p> <p>17 wouldn't be in the county. But a half million, in the</p> <p>18 state.</p> <p>19 And someone thought -- I got a lot of, you</p> <p>20 know, some criticism from some folks that said, "Dan,</p> <p>21 why did you do this? You just opened up a loophole."</p> <p>22 Because, it's believed in Texas it's fairly</p> <p>23 easy to get a handicapped placard, and that people</p> <p>24 would just use that as a chance to vote. And I -- and</p> <p>25 I had to assure them that, no, it didn't, because it</p>	<p style="text-align: right;">132</p> <p>1 Q. Would you say that True to Vote, in general,</p> <p>2 favored having a strict ID requirement?</p> <p>3 MS. DONNELLY: Objection. Form.</p> <p>4 A. I don't ever recall ever having any</p> <p>5 discussions with them, what they favored or didn't</p> <p>6 favor, so...</p> <p>7 Q. (BY MS. BALDWIN) I'd like to ask about</p> <p>8 another amendment that you sponsored. If you could</p> <p>9 turn to page 123 of the Senate Journal from January</p> <p>10 26th.</p> <p>11 A. Okay.</p> <p>12 Q. And Floor Amendment 18, is this an amendment</p> <p>13 that you sponsored?</p> <p>14 A. I was the co-author of it with Senator</p> <p>15 Hinojosa.</p> <p>16 Q. Okay. And what was the purpose of this</p> <p>17 amendment?</p> <p>18 A. It just included -- it gave one more item,</p> <p>19 because we had -- we had somewhere in the</p> <p>20 neighborhood, back then, 3 or 400,000 -- I shouldn't</p> <p>21 speculate -- but hundreds of thousands of people with</p> <p>22 CHLs, and -- and Senator Hinojosa, who is a person who</p> <p>23 supports CHLs, in -- in my view, and he thought</p> <p>24 that -- I know that he and I talked about it. I just</p> <p>25 don't remember the conversation.</p>

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<p style="text-align: right;">133</p> <p>1 But he was supportive of it, and so he</p> <p>2 carried it just to give one more, because we knew that</p> <p>3 those people that had a CHL had been -- not that you</p> <p>4 need a background check for one; but we knew that was</p> <p>5 an authentic, you know, government document.</p> <p>6 Q. Okay. Did you look up whether there were any</p> <p>7 other forms of Texas ID that would have met that same</p> <p>8 standard?</p> <p>9 A. Yeah, I don't recall that I did, but...</p> <p>10 Q. Did Senator Hinojosa approach you or did you</p> <p>11 approach him?</p> <p>12 A. I don't really recall.</p> <p>13 Q. So you testified you were aware at the time</p> <p>14 of approximately the number of CHL holders?</p> <p>15 A. Yeah. And I shouldn't -- I really shouldn't</p> <p>16 have gone down that trail to speculate. It just seems</p> <p>17 to me that there were hundreds of thousands, and</p> <p>18 I -- that may be something I just read somewhere. I</p> <p>19 don't recall that that was part of the decision. But</p> <p>20 it's a significant number.</p> <p>21 Q. But you weren't aware if whether there are</p> <p>22 any other forms of state ID that are held by a</p> <p>23 significant number of Texans that weren't included in</p> <p>24 SB 14?</p> <p>25 A. No.</p>	<p style="text-align: right;">135</p> <p>1 Did you say on the race?</p> <p>2 Q. Yes.</p> <p>3 A. I'm sorry. No, I definitely would not have</p> <p>4 asked that.</p> <p>5 Q. I'd like to talk about some other amendments,</p> <p>6 ones that you didn't sponsor.</p> <p>7 A. Okay.</p> <p>8 Q. If we could take a look on page 118 of the</p> <p>9 journal, from January 26th, at Floor Amendment No. 12.</p> <p>10 A. Okay.</p> <p>11 Q. If you could take a moment to look at this,</p> <p>12 and tell me when you're ready.</p> <p>13 A. No. 12.</p> <p>14 Yes. Okay.</p> <p>15 Q. This amendment would have provided that the</p> <p>16 underlying documentation that you need to obtain a</p> <p>17 state form of SB 14 photo ID would be provided free;</p> <p>18 is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And would this amendment have interfered with</p> <p>21 the effectiveness of the purpose of SB 14?</p> <p>22 A. I can't speak to that.</p> <p>23 Q. Sitting here today, do you have an opinion on</p> <p>24 that?</p> <p>25 A. I'd have to think through it. I'm not</p>
<p style="text-align: right;">134</p> <p>1 Q. You have no recollection of ever seeking out</p> <p>2 that information?</p> <p>3 A. No.</p> <p>4 Q. This amendment wasn't intended to help</p> <p>5 minority voters, was it?</p> <p>6 MS. DONNELLY: Objection. Form.</p> <p>7 A. You know, I don't -- I don't recall what the</p> <p>8 intention was, but there are minority voters that have</p> <p>9 CHLs. I mean, the thought that only Anglos have CHLs</p> <p>10 would, I think, be incorrect. So obviously -- and</p> <p>11 Senator Hinojosa, you know, was one of the authors of</p> <p>12 the amendment, so he obviously thought so.</p> <p>13 Q. (BY MS. BALDWIN) Sure. But you don't have</p> <p>14 any information suggesting that CHL holders are</p> <p>15 disproportionately minority, do you?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you have any information suggesting that</p> <p>18 they're disproportionately Anglo?</p> <p>19 A. I do not.</p> <p>20 Q. Did you have a belief at the time, one way or</p> <p>21 the other?</p> <p>22 A. No.</p> <p>23 Q. Did you ask DPS for any information on the</p> <p>24 race of CHL holders?</p> <p>25 A. I may have. I don't recall.</p>	<p style="text-align: right;">136</p> <p>1 prepared to give you an answer quickly.</p> <p>2 Q. Receiving a free birth certificate wouldn't</p> <p>3 harm the ability of the state of Texas to verify a</p> <p>4 voter's identity in any way that you can think of,</p> <p>5 would it?</p> <p>6 A. I don't know that that's the -- I don't know</p> <p>7 that that may have been the issue. The issue may have</p> <p>8 been there's a cost to produce a document, and, you</p> <p>9 know, if there was a reasonable low cost for someone</p> <p>10 to -- you know, to do that. And I don't know if</p> <p>11 that's changed since then or not. But at the time, I</p> <p>12 think that was the view.</p> <p>13 Q. So this amendment was tabled; is that</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And just to make sure that I understand,</p> <p>17 tabling means it doesn't go forward, it kills the</p> <p>18 amendment?</p> <p>19 A. Correct.</p> <p>20 Q. And was this amendment tabled on a party line</p> <p>21 vote?</p> <p>22 A. Yes.</p> <p>23 Q. And you voted against this -- you voted to</p> <p>24 table, correct?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">137</p> <p>1 Q. And do you recall why you voted to table?</p> <p>2 A. I do not.</p> <p>3 Q. This amendment would have placed the cost of</p> <p>4 obtaining documents on the state rather than the</p> <p>5 voters; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. And did you oppose that concept?</p> <p>8 A. Well, I think by -- I think my record speaks</p> <p>9 for itself.</p> <p>10 Q. So you wanted the cost imposed on voters?</p> <p>11 A. Yes, if it was a reasonable cost.</p> <p>12 Q. Well, whatever the costs were at the time</p> <p>13 were the costs that were going to be imposed on voters</p> <p>14 as a consequence of tabling this amendment; is that</p> <p>15 correct?</p> <p>16 A. Not on voters, but people who were seeking --</p> <p>17 I mean, it could have been a voter; it may not have</p> <p>18 been a voter, but anyone seeking to get a birth</p> <p>19 certificate or an ID.</p> <p>20 Q. Take a look at Floor Amendment No. 13, from</p> <p>21 January 26, on page 119.</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Was the purpose of this amendment to allow</p> <p>24 the use of expired photo IDs?</p> <p>25 MS. DONNELLY: Did you get a chance to</p>	<p style="text-align: right;">139</p> <p>1 THE WITNESS: Good catch, Jay.</p> <p>2 A. Well, we're looking for Section 63.0101.</p> <p>3 Q. (BY MS. BALDWIN) Which is Section 14 of the</p> <p>4 past bill, and the underlined language "that" --</p> <p>5 A. Okay. There it is. Okay.</p> <p>6 Q. -- "that has not" immediately precedes the</p> <p>7 word "expired."</p> <p>8 A. Okay. Okay.</p> <p>9 Q. So does it appear to you that this amendment,</p> <p>10 by switching the language "that has not" or</p> <p>11 "regardless of whether it has," the purpose of this</p> <p>12 was to allow for the use of IDs even when they have</p> <p>13 expired?</p> <p>14 A. Yes.</p> <p>15 Q. And this amendment was tabled; is that</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. And, again, that was on a party line vote,</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. And you voted in favor of tabling?</p> <p>22 A. Correct.</p> <p>23 Q. And why did you vote in favor of tabling?</p> <p>24 A. You know, I don't recall. But as I did share</p> <p>25 with you earlier, when we were talking about SB 362,</p>
<p style="text-align: right;">138</p> <p>1 review it?</p> <p>2 THE WITNESS: Yeah, I'm just looking at</p> <p>3 it now.</p> <p>4 A. But I'd have to go back and look at that</p> <p>5 section of the bill to see what it's talking about.</p> <p>6 It says: "In SECTION 12 of the bill...strike</p> <p>7 'that has not' and substitute, 'regardless of whether</p> <p>8 it has.'" I don't know what it's referring to by just</p> <p>9 reading the amendment.</p> <p>10 Q. (BY MS. BALDWIN) Okay. Well, would you like</p> <p>11 to take a moment and line it up with...</p> <p>12 A. Section 12.</p> <p>13 MR. DYER: Can I point something out? I</p> <p>14 think that Senate Bill 14 that you have is the past</p> <p>15 version. This would have been amending the version</p> <p>16 that hit the Senate floor, so it may not sync up</p> <p>17 section to section. I don't know if it does or not.</p> <p>18 I just want to -- if it doesn't, that may be why.</p> <p>19 A. Can you tell me, do you know what it referred</p> <p>20 to?</p> <p>21 Q. (BY MS. BALDWIN) My understanding is that</p> <p>22 this is allowing the use of expired IDs.</p> <p>23 A. Section 10, Section 11, Section 12. Okay.</p> <p>24 Yeah, it doesn't. I don't think it lines --</p> <p>25 Q. Yeah, it doesn't line up, you're right.</p>	<p style="text-align: right;">140</p> <p>1 that that was my position, that I felt they should be</p> <p>2 valid, you know. As it turned out in this bill, we</p> <p>3 did allow 60 days after expiration anyway, if I'm</p> <p>4 reading -- if I am remembering and reading this</p> <p>5 correctly. Does it not say that?</p> <p>6 Q. Yes.</p> <p>7 A. Okay.</p> <p>8 Q. And --</p> <p>9 A. So I'm not -- I'm not so sure this</p> <p>10 amendment -- I'm not sure what -- exactly what this</p> <p>11 amendment -- it says "regardless of whether it has."</p> <p>12 Q. Would this amendment have allowed for the use</p> <p>13 of indefinitely expired IDs?</p> <p>14 A. That's probably how I would have read that.</p> <p>15 Q. And would that have interfered with the</p> <p>16 effectiveness of SB 14?</p> <p>17 A. As I spoke earlier, I believe we should have</p> <p>18 a valid -- you should have a valid current. So it's</p> <p>19 just my belief.</p> <p>20 Q. But you can't say, one way or another,</p> <p>21 whether that would interfere with the effectiveness of</p> <p>22 the bill?</p> <p>23 A. No.</p> <p>24 Q. If you could turn to Floor Amendment No. 16,</p> <p>25 on page 121.</p>

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<p style="text-align: right;">141</p> <p>1 A. Okay.</p> <p>2 Q. And take a moment to review the substance,</p> <p>3 and just let me know when you're ready.</p> <p>4 A. Okay.</p> <p>5 Q. This amendment would have allowed for the use</p> <p>6 of the same nonphoto IDs that were included in SB 362;</p> <p>7 is that right?</p> <p>8 A. I'd have to go back and compare. Is it</p> <p>9 exactly the same? I don't know that that's the case,</p> <p>10 but you'd have to...</p> <p>11 Q. But it does include, even just looking at it,</p> <p>12 11 forms of nonphoto ID?</p> <p>13 A. Yes.</p> <p>14 Q. And this amendment also would have allowed</p> <p>15 for DPS IDs to be expired for up to two years; is that</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. And that provision is the same as was in</p> <p>19 SB 362, right?</p> <p>20 A. I don't recall. Is that what -- if that's</p> <p>21 what the document says. I don't remember 362 allowing</p> <p>22 you to vote with a library card.</p> <p>23 Q. Would you like to look at, if, in fact --</p> <p>24 A. I mean, I don't know if it did or not.</p> <p>25 Q. That was included.</p>	<p style="text-align: right;">143</p> <p>1 A. Yes.</p> <p>2 Q. And if I understand your testimony</p> <p>3 previously, you think that allowing any form of</p> <p>4 nonphoto identification would have lessened the</p> <p>5 effectiveness of the bill?</p> <p>6 A. Yes.</p> <p>7 Q. And so you voted to table this amendment?</p> <p>8 A. Yes.</p> <p>9 Q. And this amendment was also tabled on a party</p> <p>10 line vote?</p> <p>11 A. Yes.</p> <p>12 Q. Take a look with me at Floor Amendment No.</p> <p>13 24.</p> <p>14 A. What page is that?</p> <p>15 Q. That is on page 126.</p> <p>16 A. Got it.</p> <p>17 Q. And please let me know when you're ready.</p> <p>18 A. Okay. (Reviewing.) Okay.</p> <p>19 Q. This amendment would have allowed individual</p> <p>20 counties to decide whether to issue voter registration</p> <p>21 certificates with a voter's photo; isn't that correct?</p> <p>22 A. Yes.</p> <p>23 Q. This amendment was also tabled on a party</p> <p>24 line vote, correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">142</p> <p>1 A. It was?</p> <p>2 Q. Yes.</p> <p>3 And this amendment was also tabled on a party</p> <p>4 line vote; is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. And you voted in favor of tabling?</p> <p>7 A. Correct.</p> <p>8 Q. And do you believe that this amendment would</p> <p>9 have, had it passed, interfered with the effectiveness</p> <p>10 of SB 14?</p> <p>11 A. Yes.</p> <p>12 Q. And why so?</p> <p>13 A. Because you would have been able to vote</p> <p>14 without a photo ID.</p> <p>15 Q. And could you take a look at Floor Amendment</p> <p>16 20, please, Senator Patrick, which is at the bottom of</p> <p>17 page 123.</p> <p>18 A. Okay.</p> <p>19 Q. Is this essentially a more narrow version of</p> <p>20 the prior amendment in that it allows two specified</p> <p>21 forms of nonphoto identification?</p> <p>22 A. Yes.</p> <p>23 Q. And those are a Medicare identification card</p> <p>24 and then a Social Security card accompanied by a voter</p> <p>25 registration certificate?</p>	<p style="text-align: right;">144</p> <p>1 Q. Why wouldn't it have been a good idea to let</p> <p>2 individual counties decide whether or not to issue</p> <p>3 photo voter registration cards?</p> <p>4 A. I don't recall.</p> <p>5 Q. Would this amendment have interfered with the</p> <p>6 effectiveness of SB 14?</p> <p>7 A. I don't know, because I don't recall</p> <p>8 the -- the specifics of the debate.</p> <p>9 Q. Would this amendment have been helpful, given</p> <p>10 that, in alleviating the travel burdens that you</p> <p>11 identified -- at least with respect to disabled</p> <p>12 voters, and that there aren't DPS offices in every</p> <p>13 county -- so through this amendment you would have had</p> <p>14 a place in every county in Texas, if the county</p> <p>15 wanted, they would have had the option to provide</p> <p>16 photo ID?</p> <p>17 A. I don't know.</p> <p>18 Q. Well, a county can't unilaterally decide to</p> <p>19 open a DPS office, can it?</p> <p>20 A. No.</p> <p>21 Q. But under this amendment, a county would have</p> <p>22 been able to decide to offer its voters a photo ID?</p> <p>23 A. Under this amendment, I think so.</p> <p>24 Q. And sitting here today, you don't recall why</p> <p>25 you opposed this?</p>

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<p style="text-align: right;">145</p> <p>1 A. I do not.</p> <p>2 Q. If you could take a look at Amendment No. 29,</p> <p>3 on page 129.</p> <p>4 A. All right.</p> <p>5 Q. This is an amendment that would have expanded</p> <p>6 DPS's operating hours to at least some evening and</p> <p>7 weekend hours; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And this amendment was also tabled on a party</p> <p>10 line vote; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. So you voted against this amendment, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And would this amendment have interfered with</p> <p>15 the effectiveness of SB 14's stated purpose?</p> <p>16 A. I can't respond because I -- I don't know</p> <p>17 based on sitting here looking at this today. There</p> <p>18 obviously was some discussion by Senator Ellis and may</p> <p>19 have been some discussion by someone who opposed it.</p> <p>20 Don't know.</p> <p>21 Q. Would this amendment have made it less</p> <p>22 burdensome for voters without a photo ID who work</p> <p>23 hourly jobs to get to a DPS office?</p> <p>24 MR. CLAY: Objection. Form.</p> <p>25 Foundation.</p>	<p style="text-align: right;">147</p> <p>1 impact on women, elderly voters, minority voters,</p> <p>2 students, or persons with disabilities?</p> <p>3 MS. DONNELLY: Objection. Form.</p> <p>4 A. The amendment speaks for itself and I voted</p> <p>5 to table it.</p> <p>6 Q. (BY MS. BALDWIN) And the amendment was tabled</p> <p>7 on a party line vote; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. Similar to what I asked previously about</p> <p>10 SB 362; in deciding whether to support SB 14, did you</p> <p>11 consider whether the legislation complied with Section</p> <p>12 5 of the Voting Rights Act?</p> <p>13 A. Once again, I think I answered this question.</p> <p>14 My -- without studying Section 5 -- belief is that</p> <p>15 Section 5 simply says we are to be precleared. So my</p> <p>16 goal would be the hope that our bill would be written</p> <p>17 in such a way that would be precleared, so...</p> <p>18 Q. But you surely understood that Section 5</p> <p>19 isn't just a procedural requirement requiring</p> <p>20 preclearance, but that it has substantive standards</p> <p>21 that Texas has to meet, right?</p> <p>22 MS. DONNELLY: Objection. Form.</p> <p>23 A. I'm not a lawyer and nor a student of Section</p> <p>24 5, so...</p> <p>25 Q. (BY MS. BALDWIN) You're a member of the</p>
<p style="text-align: right;">146</p> <p>1 A. I -- I can't speculate on that.</p> <p>2 Q. (BY MS. BALDWIN) You don't think it would be</p> <p>3 helpful for a voter who has a 9:00 to 5:00 job,</p> <p>4 without leave, to have the opportunity to go to DPS on</p> <p>5 the weekend to get an EIC if they needed one?</p> <p>6 MR. CLAY: Same objection.</p> <p>7 MS. DONNELLY: I join it.</p> <p>8 A. I can't speculate on it.</p> <p>9 Q. (BY MS. BALDWIN) The last amendment I'd like</p> <p>10 to talk about is Floor Amendment 30. If you could</p> <p>11 take a moment to look at that.</p> <p>12 A. Okay. (Reviewing.) Okay.</p> <p>13 Q. This amendment would have asked the Secretary</p> <p>14 of State to report on a number of issues related to</p> <p>15 the implementation of SB 14; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you oppose finding out the number of</p> <p>18 voters, yearly, who voted a provisional ballot because</p> <p>19 they came to the polls without acceptable ID?</p> <p>20 MS. DONNELLY: Objection. Form.</p> <p>21 A. The amendment speaks for itself and I voted</p> <p>22 to table the amendment.</p> <p>23 Q. (BY MS. BALDWIN) And did you oppose</p> <p>24 specifically asking the Secretary of State to find out</p> <p>25 whether the ID requirement was having a disparate</p>	<p style="text-align: right;">148</p> <p>1 Redistricting Committee, correct?</p> <p>2 A. I am.</p> <p>3 Q. And is having an understanding of the</p> <p>4 framework that governed redistricting important?</p> <p>5 A. Having a -- having a general knowledge is</p> <p>6 always -- is always a good idea.</p> <p>7 Q. And is part of that general knowledge that</p> <p>8 the legislation would be reviewed under Section 5 of</p> <p>9 the Voting Rights Act as to whether it had a negative</p> <p>10 or retrogressive effect on the ability of racial</p> <p>11 minorities to participate in the political process?</p> <p>12 A. Would you repeat that?</p> <p>13 THE REPORTER: "And is part of that</p> <p>14 general knowledge that the legislation would be</p> <p>15 reviewed under Section 5 of the Voting Rights Act as</p> <p>16 to whether it had a negative or retrogressive effect</p> <p>17 on the ability of racial minorities to participate in</p> <p>18 the political process?"</p> <p>19 MS. DONNELLY: Can we break that down?</p> <p>20 Q. (BY MS. BALDWIN) Did you understand that</p> <p>21 Section 5 required -- did you understand that for</p> <p>22 legislation to be precleared under Section 5 of the</p> <p>23 Voting Rights Act, the standard it has to meet was</p> <p>24 that racial minorities wouldn't be negatively affected</p> <p>25 compared to the standard that was already in place?</p>

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<p style="text-align: right;">149</p> <p>1 A. Very candidly, I came in here today thinking 2 about voter ID, and not redistricting; but you've 3 asked me a question and I'll try to answer it. And I 4 haven't really thought about that issue either, for 5 several years. 6 Yes, I think it would be fair to say that 7 that was my general understanding. 8 Q. And did you understand that that was the 9 Section 5 standard that applied to both redistricting 10 and to voter ID? 11 A. I'm not sure that -- that I knew that or 12 connected that or thought about that. I'm not saying 13 I didn't, but I just -- I don't recall. 14 Q. Did you discuss whether SB 14 would meet the 15 requirements of the Voting Rights Act with anyone? 16 A. Not that I recall. And -- and I'll qualify 17 that. I'm sure it may have been discussed at some 18 point, but I don't recall specifically. 19 Q. And during the Senate's consideration of 20 SB 14, do you recall any testimony regarding whether 21 minority voters were less likely to possess acceptable 22 photo ID than Anglo voters? 23 A. I'm sorry, say that again one more time. 24 Q. Sure. During the Senate's consideration of 25 SB 14, do you recall any testimony being presented</p>	<p style="text-align: right;">151</p> <p>1 constituents, the majority supported the concept of 2 photo voter ID, so I'm not sure why they did not vote 3 to reflect the will of their constituents. 4 Q. (BY MS. BALDWIN) And it's your judgment that 5 you understood the preferences of the constituents of 6 every Democratic legislator in the House -- in 7 the -- excuse me. 8 It's your testimony that you understood the 9 preferences of the constituents of every Democratic 10 senator better than they did themselves? 11 MS. DONNELLY: Objection. 12 Argumentative. 13 You can answer. 14 A. Yeah, I wouldn't pretend that I know another 15 senator's district better than I know mine. 16 But, again, looking at the polling data and 17 the general sense of news reports and opinions on this 18 issue, it was clear that -- based on polling data and 19 other data -- that a majority, or a significant number 20 at least, in some of their districts, supported photo 21 voter ID. 22 Q. (BY MS. BALDWIN) And, again, just because I 23 know we -- I asked this question with regard to SB 24 362, but I want to make sure that I've asked it with 25 respect to SB 14: You're not aware of any particular</p>
<p style="text-align: right;">150</p> <p>1 regarding whether minority voters were less likely to 2 possess acceptable photo ID than Anglo voters? 3 A. There may have been testimony, but I don't 4 recall it. 5 Q. What's your understanding of why, with 6 respect to SB 14 specifically, the senators who voted 7 against SB 14 were opposed? 8 MS. DONNELLY: Objection. Speculative. 9 Q. (BY MS. BALDWIN) I'm asking your personal 10 understanding. 11 A. And I think as I testified earlier, I'm -- I 12 really don't understand why they voted against it. I 13 always -- I always respect a person's right to vote 14 for or against a bill and -- based on their own 15 reasoning. Most of the time I don't know that 16 reasoning. 17 Q. Did you think that any part of the reasoning 18 for why those who were opposed to SB 14 were -- had 19 any connection to the fact that they represented 20 majority minority districts and they were concerned 21 about SB 14 having a negative effect on their 22 constituents? 23 MS. DONNELLY: Objection. Speculative. 24 A. Yeah, I really don't know their reasons, as I 25 testified, I believe, earlier. I believe their</p>	<p style="text-align: right;">152</p> <p>1 polls that asked Texas voters about the specific forms 2 of ID and the specific requirements of SB 14, are you? 3 A. It is -- my answer is no. But it would be 4 highly unusual. In fact, I can't think of one bill, 5 of the thousands that we pass, that is polled while 6 it's on the Senate floor being voted on. It's usually 7 issues are polled. The specifics of a bill are not at 8 the time a bill is being -- as -- as -- at the time of 9 the process of passing a bill. 10 So I -- I wouldn't think -- I can't think of 11 any situation -- maybe there has been one -- but I 12 can't think of any situation where the bill is being 13 polled while it's being -- while it's going through 14 the process. 15 MS. BALDWIN: If we could just take 16 maybe a brief five-minute break? 17 MS. DONNELLY: Sure. 18 (Break.) 19 (Patrick Exhibit 6 marked/introduced.) 20 Q. (BY MS. BALDWIN) Senator Patrick, I'm giving 21 you a document that's been marked as Exhibit 6 22 and -- which is a document that's been produced in 23 this litigation under a "Highly Confidential" label 24 and is Bates numbered TX 00010002 to 4. 25 A. 4, okay.</p>

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<p style="text-align: right;">153</p> <p>1 Q. And because the messages in the way this</p> <p>2 document is put together kind of bleed together, I'm</p> <p>3 going to be asking you some questions about the e-mail</p> <p>4 that starts just at the very one last line on 02 and</p> <p>5 then goes --</p> <p>6 A. Okay.</p> <p>7 Q. -- onto 03.</p> <p>8 A. All right.</p> <p>9 Q. So if you could take a look at that and tell</p> <p>10 me you're ready.</p> <p>11 A. I'm ready.</p> <p>12 Q. Okay. Is this an e-mail that you sent on</p> <p>13 January 25, 2011?</p> <p>14 A. On January 25th? Mine says 3-29.</p> <p>15 Q. On --</p> <p>16 A. Oh.</p> <p>17 Q. Just looking at the e-mail that starts the</p> <p>18 very last line --</p> <p>19 A. Oh, I'm sorry.</p> <p>20 Q. -- of the page and then goes over.</p> <p>21 MR. CLAY: Just to be clear, you're</p> <p>22 looking at the embedded e-mail in the 3-29 e-mail?</p> <p>23 MS. BALDWIN: Yes.</p> <p>24 A. Okay.</p> <p>25 Q. (BY MS. BALDWIN) And is that an e-mail that</p>	<p style="text-align: right;">155</p> <p>1 Tyler.</p> <p>2 Q. And do you know the name of that group?</p> <p>3 A. I do not, offhand.</p> <p>4 Q. Okay. What about Leslie Haight?</p> <p>5 A. I don't know for sure.</p> <p>6 Q. Greg@teapartyconservative.com?</p> <p>7 A. I believe one in Austin, but not positive.</p> <p>8 Q. And do you know what Greg's last name is?</p> <p>9 A. Not offhand.</p> <p>10 Q. Okay. What about Phil Burton?</p> <p>11 A. I believe Tarrant County. But I believe it</p> <p>12 actually wasn't -- I believe it was his wife Connie</p> <p>13 who was involved and maybe used her husband's address.</p> <p>14 Q. Okay. But a Tarrant County Tea Party</p> <p>15 organization?</p> <p>16 A. Yes.</p> <p>17 Q. And what about fcravens?</p> <p>18 A. She was with a group in Houston.</p> <p>19 Q. And what's her name?</p> <p>20 A. Felicia, I believe.</p> <p>21 Q. Felicia Ravens?</p> <p>22 A. I think it's Felicia Cravens.</p> <p>23 Q. Cravens. Okay.</p> <p>24 And what about the rgonzo?</p> <p>25 A. Clear Lake.</p>
<p style="text-align: right;">154</p> <p>1 you sent an January 25, 2011?</p> <p>2 A. It appears to be.</p> <p>3 Q. Okay. And who are the recipients of this</p> <p>4 e-mail? JoAnn Fleming, for example, who is that?</p> <p>5 A. These were the volunteer -- some of the, I</p> <p>6 believe -- probably all of them -- volunteer members</p> <p>7 of the citizen advisory board that met with the Tea</p> <p>8 Party caucus.</p> <p>9 Q. And -- so the Tea Party caucus had a citizen</p> <p>10 advisory board?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And each of these recipients is a</p> <p>13 member of that citizen advisory board?</p> <p>14 A. I recognize most of the names. One -- one or</p> <p>15 two names I don't -- one name I don't recognize. They</p> <p>16 may have or may have been, or maybe they attended</p> <p>17 meetings from one time to another, so...</p> <p>18 Q. Okay.</p> <p>19 A. You know, of the advisory board.</p> <p>20 Q. And if we could, just if you're aware, for</p> <p>21 each of the recipients, if there's an organization</p> <p>22 that they're affiliated with for why they participated</p> <p>23 on the advisory board? For example, for JoAnn</p> <p>24 Fleming, was she affiliated with any group?</p> <p>25 A. She's affiliated with a Tea Party group in</p>	<p style="text-align: right;">156</p> <p>1 Q. Okay. And what's that person's name?</p> <p>2 A. I think it's Robert Gonzales.</p> <p>3 Q. Okay. And what about Sharon Hall?</p> <p>4 A. She's from San Antonio.</p> <p>5 Q. Okay. And also a Tea Party organization in</p> <p>6 San Antonio?</p> <p>7 A. I don't know if it's an organization or she</p> <p>8 just attends Tea Party. I'm not positive.</p> <p>9 Q. Okay.</p> <p>10 A. But she's involved with grassroots.</p> <p>11 Q. What about gpendergas?</p> <p>12 A. Don't know who that is.</p> <p>13 Q. Are you aware of what -- the organization</p> <p>14 Border Appraisal?</p> <p>15 A. I'm not. I don't know where that one, to be</p> <p>16 honest with you, came from.</p> <p>17 Q. Okay. What about hagenbaks?</p> <p>18 A. Don't know that one either.</p> <p>19 Q. And chuck@marketinganddata?</p> <p>20 A. I'm not sure who that is. I...</p> <p>21 Q. Tcorsaut@yahoo?</p> <p>22 A. Yeah, don't recog- -- I don't. And it may be</p> <p>23 someone I didn't know their last name.</p> <p>24 Q. Okay.</p> <p>25 A. Or they're -- or they're no longer -- like,</p>

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<p style="text-align: right;">157</p> <p>1 some of these people were no longer involved in 2012 2 and '13. 3 Q. Julie@hounddogranch? 4 A. She's in Montgomery County. 5 Q. Okay. And what's the name of -- 6 A. Katrina Pierson. She's in Dallas. 7 Q. Okay. And both the Montgomery and Dallas 8 organizations are county Tea Party organizations? 9 A. Not county, but they're in those counties. 10 Q. Okay. Although you don't know today who 11 all -- some of -- a few of these e-mail addresses were 12 at the time when you sent this message, did you know 13 the individuals who you were sending it to? 14 A. I don't -- I don't -- I knew -- I know some 15 of them here. I don't recognize -- and I might 16 remember if -- seeing something, more information. I 17 don't remember who Pendergras, Corsaut or Hagenbaks. 18 I think Chuck is someone in Denton County or Collin 19 County, but it might be another Chuck. 20 Q. And you wrote here that you are sending your 21 private e-mail address to this group of folks and to 22 feel free to contact you anytime, right? 23 A. Correct. 24 Q. And you let them know that you would soon be 25 considering voter ID and it may take you a little bit</p>	<p style="text-align: right;">159</p> <p>1 So I talked to one person, Greg, wherever 2 that one was, who no longer has been involved in the 3 last couple of years. I think he may have moved in -- 4 no. I'm not sure. But he's not involved. And I 5 asked him to reach out and try to get a cross section 6 of people from around. And I let them -- it sort of 7 like was hands-off on that. 8 Q. And why did you want this group of people to 9 be organized? 10 A. Not so much organized. I didn't have 11 anything to do with their organizations. But what I 12 thought -- I believe that the more that people know 13 about government the better government we have. 14 And so the Tea Party movement back in 2011 15 was pretty much only two years old and -- and I went 16 to speak to a group, somewhere in 2010 maybe, and I 17 was kind of really surprised of the growth of -- of 18 this movement. 19 And so I thought it would be best for them to 20 learn how the process works and so -- not only so that 21 we could get information from the grassroots, but they 22 could learn how things work. 23 And -- and also the -- the purpose sometimes 24 would be, if I communicated to them, then they 25 communicated to their people, and their people</p>
<p style="text-align: right;">158</p> <p>1 of time to get back to them, but because, quote, "You 2 all are very important," you would get back to them as 3 soon as practical; is that right? 4 A. Correct. 5 Q. And what did you mean by, you are very 6 important? 7 A. I tell every voter they're important, because 8 they are. And every citizen. 9 Q. Do you give your private e-mail address to 10 every voter and every citizen? 11 A. No, that would not be practical. 12 Q. Okay. 13 A. But I have given out my e-mail address for a 14 time. But this was the advisory board that I 15 mentioned earlier. We would have our Tea Party caucus 16 meetings like once a month or every six weeks. Some 17 of those names, the ones that I could remember, were 18 those people, so... 19 Q. Okay. And was this a group of essentially 20 Tea Party and civic leaders who you wanted to involve 21 in your legislative efforts? 22 A. I did not choose them. When I formed the Tea 23 Party caucus I did not want to show any favoritism to 24 any one group; otherwise, other groups would 25 be -- accuse me of showing favoritism.</p>	<p style="text-align: right;">160</p> <p>1 communicated to their friends and neighbors and people 2 they go to church with. 3 So just a way of -- of -- for example, when 4 we talked about earlier that Catherine Englebreth, I 5 think it was her, or True the Vote, was upset about my 6 handicapped placards, it was a way to pretty instantly 7 say, "No, you're not reading this correctly." So 8 sometimes it was just for information, sometimes it 9 was to explain something. 10 Q. And were these groups involved in the effort 11 to pass voter ID? 12 A. I think that they were all supportive; but, I 13 mean, they weren't involved with me specifically. 14 Q. Okay. Do you know if they did any organized 15 lobbying of other members of the legislature, 16 encouraging them to support voter ID? 17 A. I think you'd have to define the term 18 "lobbying." Because if you're a lobbyist, you have to 19 register with the state. If you're suggesting did 20 they call members, I couldn't speculate on that; but, 21 I think that would be a fair assumption. You know, 22 their -- their own members or whatever. 23 Q. And do you know whether they encouraged their 24 own members to contact members of the legislature? 25 A. That, I don't know. I was not involved in</p>

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<p style="text-align: right;">161</p> <p>1 their organizations.</p> <p>2 Q. I'd like to ask a question about the last</p> <p>3 paragraph of the --</p> <p>4 A. Okay.</p> <p>5 Q. -- e-mail, where you write: "I believe all</p> <p>6 of the Republicans have co-authored the bill, if not,</p> <p>7 all will vote for it and it will pass along party</p> <p>8 lines 19 to 2."</p> <p>9 MS. DONNELLY: "12."</p> <p>10 MS. BALDWIN: Thank you.</p> <p>11 Q. (BY MS. BALDWIN) "19 to 12."</p> <p>12 MS. BALDWIN: Thank you.</p> <p>13 A. Okay.</p> <p>14 Q. (BY MS. BALDWIN) So is it fair to say that</p> <p>15 even before the bill was called for a vote, you</p> <p>16 expected it to be a party line vote?</p> <p>17 A. Yes.</p> <p>18 Q. And why was that your expectation?</p> <p>19 A. Based on past votes on other bills of similar</p> <p>20 subjects.</p> <p>21 Q. Other than past history, any other reasons?</p> <p>22 A. Well, I think it was just general knowledge</p> <p>23 that the Republicans were in favor of this concept in</p> <p>24 representing the majority of Texans and the Democrat</p> <p>25 voters were -- I mean Democrat senators, were not.</p>	<p style="text-align: right;">163</p> <p>1 But when everyone in the room is in the same</p> <p>2 party, you have to -- and you want your bill and you</p> <p>3 want your bill and he wants his bill and everybody</p> <p>4 wants their own bill; well, not everybody can bring</p> <p>5 their bill to the floor. There's only so much time.</p> <p>6 And so, how do you decide who gets their bill to the</p> <p>7 floor?</p> <p>8 So a little bit of the history of that, I</p> <p>9 think this -- because it's a Senate rule, it's not in</p> <p>10 the Constitution, it's voted on by senators.</p> <p>11 So the Democrats, to -- the best history I</p> <p>12 can recall, the Democrats actually created the bill,</p> <p>13 in essence, so that there was a way to -- to organize</p> <p>14 what bill comes on the floor.</p> <p>15 So if you can get 20 other Democrats -- since</p> <p>16 there's 26 or eight of you, however many -- if you can</p> <p>17 get 20, okay, I'll take your bill. But otherwise, I</p> <p>18 just can't -- if you're the lieutenant governor, you</p> <p>19 can't take everyone's bill.</p> <p>20 In the 1950s, it really came into play where</p> <p>21 it started being used a little bit. In essence, what</p> <p>22 the blocker bill says -- think of one street of</p> <p>23 traffic. If there's a car and it's broken down, every</p> <p>24 car behind it can't go through, it's blocking traffic,</p> <p>25 so you have to go around to move forward.</p>
<p style="text-align: right;">162</p> <p>1 Q. And, again, it's not because of any specific</p> <p>2 reasons; because you don't, as you sit here today,</p> <p>3 know any specific reasons why the Democratic senators</p> <p>4 were opposed to the bill?</p> <p>5 A. I mean, I can't -- I can't speculate on why</p> <p>6 they voted against the bill. I mean, it's just -- you</p> <p>7 know. And did one or two of them tell me why? If</p> <p>8 they did, I don't recall. I mean, again, I don't</p> <p>9 recall any deep discussion about it with them, outside</p> <p>10 of what took place on the Senate floor or in a caucus</p> <p>11 meeting maybe.</p> <p>12 Q. And what's the blocker bill?</p> <p>13 A. The blocker bill, if I can explain it to you</p> <p>14 very simply, because -- it's not complicated. Texas,</p> <p>15 for a long time, was a -- and the reason I know pretty</p> <p>16 well is because I've been opposing it for a long time</p> <p>17 and I've given debates on the floor.</p> <p>18 For most of the last century, Texas was an</p> <p>19 all Democrat state, in terms of its legislators or</p> <p>20 strong majority. So in the '30s, '40s, '50s, and</p> <p>21 '60s, when there were 31 senators, there may have</p> <p>22 been, at any given time, two, three or four</p> <p>23 Republicans with all Democrats. For all the</p> <p>24 Democrats -- and if it were all Republicans, it would</p> <p>25 be the same thing.</p>	<p style="text-align: right;">164</p> <p>1 So what the blocker bill does is -- and,</p> <p>2 again, the Democrats, from the best of my study,</p> <p>3 started it, created it. What the -- what the blocker</p> <p>4 bill -- and it was also -- it's known as the rosebush</p> <p>5 bill. The Democrats would have someone file a bill</p> <p>6 dealing with the landscaping of the Capitol and they</p> <p>7 would never pass the bill. It would block every other</p> <p>8 bill.</p> <p>9 So for you to pass your bill, you would have</p> <p>10 to get 20 other senators to agree with you, because</p> <p>11 you'd be the 21st vote, to suspend the rules to go</p> <p>12 around that bill.</p> <p>13 So what has been the tradition over the</p> <p>14 years -- and, again, the Senate -- the lieutenant</p> <p>15 governor doesn't decide, the senators vote on</p> <p>16 that -- every year we vote on the rules. The</p> <p>17 senators, Democrats and Republican, we get in a room</p> <p>18 and we vote all the rules. We can vote any rule we</p> <p>19 want. And so that rule is still in place today.</p> <p>20 And so every session there is a bill -- it</p> <p>21 may not be -- I don't even know what they have been</p> <p>22 the last couple of sessions. I don't know if it's</p> <p>23 landscaping anymore. But a bill is filed, it's put in</p> <p>24 the chute ready to go, but it never gets voted on.</p> <p>25 So if -- if we were all senators, I</p>

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<p style="text-align: right;">165</p> <p>1 would -- I go around with my little card and I count 2 up my 20 senators, and once I have 20, plus me, 21, I 3 turn it in to the lieutenant governor and say I have 4 the -- I can suspend the blocker bill rule, and move 5 around it to pass my bill. The lieutenant governor 6 still has the decision to allow me to do that, or not. 7 But that's what the blocker bill is. That's 8 a long explanation; but so you really understand and 9 get your arms around it, that's what it has meant. 10 In the House, they don't have it. They 11 actually have a committee that decides which bills 12 come to the floor. So all the committees pass bills. 13 So the Senate just deals with it that way, 14 with 31 members. 15 Q. Okay. In the modern era, has having a 16 blocker bill required that there be bipartisan 17 cooperation in order to bring a bill to the floor, 18 essentially? 19 A. You know, that's what -- I personally believe 20 that's a little bit of a misnomer. That's what people 21 will say. I don't -- I believe the -- the blocker 22 bill is outdated because it was really created -- in 23 my view and in my study, and I could be wrong, but in 24 my view -- for a one-party system of how to decide who 25 gets the bill so there's not a catfight.</p>	<p style="text-align: right;">167</p> <p>1 our two Democrat senators in Harris County -- three, 2 rather, we will, the Republican two senators, or three 3 of us, different parts, we will -- we will be together 4 because we're representing Houston and Harris County 5 and what's in the best interest. 6 And when you come to education or 7 transportation or water, or whatever it might be, we 8 have different issues than they do in West Texas, so 9 you'll often see the Democrat valley senators team up 10 with West and East Texas rural Republicans. So it's 11 not always a party issue. 12 So the -- so the -- you know, the answer to 13 the question: We can't pass whatever we want because 14 we're always a vote or two short, and sometimes we can 15 be five or six short. 16 Q. But in this instance, does your 17 e-mail reflect that, absent this rule, it would only 18 have taken 19 votes and you had exactly 19 19 Republicans? 20 A. Yes. Well, let me see. Let me -- I say yes. 21 Yes, because during special sessions -- and 22 we've had 15 special sessions, I think is the number, 23 I could be one or two off, in the last decade or so, 24 we don't use the 21-vote rule. So on the special 25 sessions we don't use the 21-vote rule. And on</p>
<p style="text-align: right;">166</p> <p>1 It had nothing to do with -- in fact, I think 2 I could say clearly: The blocker bill has nothing to 3 do with bipartisanship because it was implemented and 4 used primarily in a one-party state. 5 Q. Originally. But now, without the blocker 6 bill, does it mean that only Republicans -- any bill 7 that the Republicans decide -- because they're the 8 majority -- to bring to the floor, that they have the 9 ability to do that regardless of whether they have any 10 Democratic votes? 11 A. No. Because in 2007, my first session, there 12 were only 20 Republicans, so on every bill we needed 13 at least one Democrat. Then in 2009 and 2011, we lost 14 a seat, so we had 19. So on every bill we had to have 15 at least two Democrats, and that's if you had every 16 Republican. 17 And lots of times, a Republican will have a 18 bill that doesn't -- you know, what I tell people all 19 the time is, everyone thinks it's a 20 Republican/Democrat divide. It's not in Texas, for 21 the most part. On some issues. You know, this 22 obviously was a party line vote. 23 Most of our bills in Texas are along 24 geographical issues; it's urban and rural. So very 25 often you will have -- in Harris County, for example,</p>	<p style="text-align: right;">168</p> <p>1 occasion, in regular session, it's been set 2 aside or -- there are various ways to work around it, 3 so it's -- it's not unprecedented. 4 Q. But it's not usual in regular sessions -- 5 A. It's not unusual, but it's not unprecedented 6 either. Not in my view. 7 Q. I'm going to hand you a document to be marked 8 Exhibit 7, which has also been marked "Highly 9 Confidential," and has been produced in this case. 10 The Bates number for the document is 11 TX_0009976 to 9977. 12 (Patrick Exhibit 7 marked/introduced.) 13 Q. (BY MS. BALDWIN) And my questions, Senator 14 Patrick, are about the e-mail that begins on the 15 bottom of 76 that reflects that it was sent from you 16 to JoAnn Fleming on June 14th. 17 A. 2011. Okay. June 14, 2000- -- at the end of 18 session? 19 Q. Yes. And I don't recall if she was one of 20 the people we just talked about. 21 Could you remind me, who is JoAnn Fleming? 22 A. She was on that list. She -- she lives in 23 Tyler. 24 Q. Okay. And is there a particular organization 25 that she's...?</p>

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<p style="text-align: right;">169</p> <p>1 A. There is, but I don't know the name of it. 2 Q. Okay. Does -- 3 A. Or I don't recall the name of it. 4 Q. Okay. There's one of the e-mails higher up 5 in the chain on 9976, Grassroots America; does that 6 ring a bell? 7 A. Where is that? 8 Q. Her signature block at the very top e-mail on 9 the top of the page. 10 A. Yeah. Grassroots America - We the People? 11 Q. Yes. What is that organization? 12 A. Yeah, it's a -- I believe it's a two-party 13 group, but I'm not -- we have lots of different names 14 for the groups, so... 15 Q. Okay. Could you take a look at the e-mail 16 that starts on 76 and then goes onto 77? 17 A. Yes. 18 Q. And tell me when you're ready. 19 MR. CLAY: And just to be clear, again, 20 you're talking about the embedded e-mail -- 21 MS. BALDWIN: Yes. 22 MR. CLAY: -- that starts at the bottom 23 of 76? 24 MS. BALDWIN: Yes. And that has the 25 date of June 14, 2011, at --</p>	<p style="text-align: right;">171</p> <p>1 A. I do. 2 Q. And why did you write that photo voter ID is 3 a bill that directly or indirectly impacts illegal 4 immigrants? 5 A. Because once instituted, if you had to have a 6 photo ID of a government document and also be 7 registered to vote, it would prevent people who are 8 ineligible to vote to vote. And people who come here 9 illegally are ineligible to vote. 10 Q. Was that a concern that you had in passing 11 SB 14, that illegal immigrants were voting in Texas? 12 A. Well, our concern was that we wanted 13 integrity of the ballot box so that no one who was 14 ineligible or not registered to vote, voted. 15 It didn't make any difference who they were 16 if they weren't eligible. They could live in Texas 17 from another state, for example, have residency in 18 another state and not be eligible, or they might not 19 be registered. So it wasn't specified any -- there 20 was no one targeted group. 21 It was just -- but she was apparently asking 22 me a question -- I'm assuming, based on my answer -- 23 she was asking me bills that impacted people here 24 illegally. And Senate Bill 14, that would be a 25 subgroup of many who would be ineligible to vote.</p>
<p style="text-align: right;">170</p> <p>1 MR. CLAY: Okay. Thanks. 2 MS. BALDWIN: -- at 8:18. 3 A. Well, if -- if you want to just ask me about 4 specifics on this? 5 Q. (BY MS. BALDWIN) Sure. Okay. What's the 6 context of this message? In other words, why were you 7 sending this message to JoAnn Fleming? 8 A. I don't recall. But in reading it, it 9 appears that she sent me questions about a number of 10 issues, and I was responding, apparently, after 11 session was over. I don't know if we were in special 12 that year or not. 13 But I sent it in, June 11th. So it looks 14 like she was -- which many citizens ask me about, all 15 the time after session ends, about various bills, or, 16 you know, trying to get a better understanding of what 17 passed, didn't pass, why it passed, why it didn't 18 pass. 19 Q. Do you see partway down that e-mail there's a 20 line after Number 6 and before Number 1, that says 21 "Bills that passed during session that directly or 22 indirectly impact illegal immigrants"? 23 A. Okay. Yes, I do. 24 Q. And do you see that listed under there as 25 Number 3 is SB 14 photo voter ID?</p>	<p style="text-align: right;">172</p> <p>1 Q. Did you view SB 14 as a bill that dealt with 2 illegal immigration then, if I understand? 3 MS. DONNELLY: Objection. Form. 4 Mischaracterizes his testimony. 5 A. I think I just answered the question. It did 6 not. It dealt with it only if they would be a subset 7 of a group that were ineligible to vote. 8 Q. (BY MS. BALDWIN) Was that a problem, that 9 illegal immigrants were trying to vote in Texas? 10 A. You can never prove a negative. So if 11 someone voted who shouldn't vote and we didn't know 12 it, we didn't know it. But the goal of Senate Bill 13 14, once again, was to be sure that people who were 14 ineligible to vote or not registered to vote weren't 15 able to vote. 16 Q. But illegal immigrants, in particular? 17 A. No. You keep saying that; and I've said, 18 multiple times, that was not the reason. 19 Q. But it's your words here, "That directly or 20 indirectly impact illegal immigrants." 21 So one question is: Does SB 14 directly or 22 indirectly impact the illegal immigrants as you use 23 this language in this e-mail? 24 MS. DONNELLY: Objection. 25 Argumentative.</p>

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<p style="text-align: right;">173</p> <p>1 Go ahead.</p> <p>2 A. I don't know how better to answer the</p> <p>3 question. The purpose of Senate Bill 14 was to make</p> <p>4 sure we had integrity of the ballot box so that people</p> <p>5 who were ineligible to vote or not registered, that</p> <p>6 they didn't vote. And that's a -- a spectrum of</p> <p>7 people. And illegal immigrants are a subset of that</p> <p>8 group because they're not eligible to vote.</p> <p>9 It wasn't -- in my view, it wasn't -- that</p> <p>10 was not the sole purpose of the bill. It wasn't the</p> <p>11 sole purpose of the bill, beyond what I've said,</p> <p>12 clearly.</p> <p>13 Q. (BY MS. BALDWIN) Right, not a sole purpose;</p> <p>14 but was it a purpose?</p> <p>15 A. Well, if felons aren't allowed to vote, for</p> <p>16 example, or in this country -- so if you asked me</p> <p>17 were -- did this bill impact felons, yes, we wanted to</p> <p>18 be sure that felons weren't able to vote.</p> <p>19 Q. Could felons have a passport?</p> <p>20 A. They could vote -- the purpose of -- it was</p> <p>21 to be sure that people who weren't eligible to vote,</p> <p>22 could vote, that voted.</p> <p>23 The point is -- my example is that felons,</p> <p>24 like people who don't have residency in Texas, like</p> <p>25 people who are here illegally, are all people who are</p>	<p style="text-align: right;">175</p> <p>1 Q. Right. But showing an ID wouldn't prevent</p> <p>2 them from illegally voting?</p> <p>3 A. I don't understand your question.</p> <p>4 Q. Okay. We'll move on.</p> <p>5 Does Grassroots America, as an organization,</p> <p>6 place a high priority on illegal immigration as an</p> <p>7 issue?</p> <p>8 A. Don't know.</p> <p>9 Q. Did you seek and receive an endorsement from</p> <p>10 Grassroots America in your campaign for lieutenant</p> <p>11 governor?</p> <p>12 A. I'm sorry, say that again.</p> <p>13 Q. Did you seek and receive an endorsement from</p> <p>14 Grassroots America in your campaign for lieutenant</p> <p>15 governor?</p> <p>16 A. I sought an endorsement from JoAnn Fleming.</p> <p>17 Q. And did you receive an endorsement?</p> <p>18 A. Uh-huh.</p> <p>19 Q. And from JoAnn Fleming in her capacity as</p> <p>20 affiliated with Grassroots America?</p> <p>21 A. That, I'm not sure. Sometimes people endorse</p> <p>22 you, sometimes they're groups; and I can't remember in</p> <p>23 that case what the situation was.</p> <p>24 Q. I'd like to give you a document which, again,</p> <p>25 has been produced in this litigation under the "Highly</p>
<p style="text-align: right;">174</p> <p>1 not eligible to vote. So any subset of a group was</p> <p>2 not eligible to vote.</p> <p>3 But we weren't targeting felons, we weren't</p> <p>4 targeting illegals, we weren't targeting people who</p> <p>5 actually live in Oklahoma who happen to be here. We</p> <p>6 were targeting people who were ineligible to vote.</p> <p>7 Q. But with respect to the example you just gave</p> <p>8 of felons, SB 14 couldn't have targeted those because</p> <p>9 there are forms of ID -- a driver's license doesn't</p> <p>10 say whether or not you're a felon, right?</p> <p>11 A. I think I've answered this question more than</p> <p>12 enough for you. I gave you my answer. Anyone can</p> <p>13 vote illegally.</p> <p>14 Q. But SB 14 wouldn't prevent felon voting,</p> <p>15 correct?</p> <p>16 MS. DONNELLY: Objection. Form. This</p> <p>17 is argumentative.</p> <p>18 A. It might.</p> <p>19 Q. (BY MS. BALDWIN) How so?</p> <p>20 A. I can't explain how so. It might.</p> <p>21 Q. Okay. So -- but we -- we both agree that a</p> <p>22 felon could have a U.S. passport or a Texas driver's</p> <p>23 license?</p> <p>24 A. They could. But they're not allowed to</p> <p>25 register to vote.</p>	<p style="text-align: right;">176</p> <p>1 Confidential" label, that has a Bates number of</p> <p>2 TX 00009987 to 9990. And this will be marked as</p> <p>3 Exhibit 8.</p> <p>4 (Patrick Exhibit 8 marked/introduced.)</p> <p>5 Q. (BY MS. BALDWIN) I'd like to ask you a</p> <p>6 question about the embedded e-mail that begins on 9987</p> <p>7 that was sent on Sunday, August 29, 2010.</p> <p>8 A. All right. August 29th?</p> <p>9 Q. Yes.</p> <p>10 A. Oh, I see it. I'm sorry. Okay. I see it.</p> <p>11 Q. And is this an e-mail from you to a group of</p> <p>12 Republican senators?</p> <p>13 A. Yes.</p> <p>14 Q. Can you explain to me the context of this</p> <p>15 e-mail, specifically what the "two days together" that</p> <p>16 you're referring to in the first paragraph is with</p> <p>17 respect to?</p> <p>18 A. Let me read it.</p> <p>19 Q. Sure.</p> <p>20 A. Okay. I don't remember the meeting, but we</p> <p>21 must have met somewhere.</p> <p>22 Q. Did you have caucus retreats?</p> <p>23 A. We normally have maybe one, maybe two, before</p> <p>24 a session.</p> <p>25 Q. Does this e-mail bring to mind any</p>

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<p style="text-align: right;">177</p> <p>1 discussions you may have had among the Republican 2 caucus about the process of bringing forward SB 14? 3 A. You know what's interesting is, I wouldn't 4 even have remembered the meeting or the e-mail if you 5 didn't have it. So it does not. 6 Q. Okay. 7 A. I'm looking at this, and it doesn't ring a 8 bell, and I obviously sent it. 9 Q. Do you see the sentence, quote, "In view of 10 our discussion on voter ID and immigration, several of 11 you mentioned you thought the two issues were one in 12 the same, or at a minimum connected"? 13 A. I do. 14 Q. Is it your understanding that those two 15 issues are one and the same, voter ID and immigration? 16 A. No. I think what -- and I'm just reading 17 this for the first time in four years, three years, 18 two years. It looks like several of you mentioned, or 19 at a minimum, connected; and I apparently found the 20 story that made their point. 21 Apparently someone brought up at the meeting, 22 if you read this, "In view of our discussion on voter 23 ID and immigration, several of you mentioned..." 24 I didn't say I brought up the fact. So 25 "several of you" -- I'm not saying I didn't, but I</p>	<p style="text-align: right;">179</p> <p>1 A. There could be. 2 Q. Could be, but for you, was there? 3 A. I'm sure, as I said earlier answering the 4 other question, that illegal immigrants are not 5 eligible to vote and they are a subset of people who 6 are ineligible to vote. So, obviously, you could 7 connect between the two. 8 Q. Do you recall who mentioned -- as you read in 9 this e-mail, several senators mentioned that they 10 thought these two issues were connected, or one and 11 the same. Which senators those were? 12 MS. DONNELLY: Objection. 13 And please do not disclose who said what 14 in private conversations. You can reveal public 15 statements by another legislator, but please do not 16 reveal what was said in private conversations. 17 A. I didn't even remember the meeting or the 18 e-mail, so I don't remember who said what. 19 Q. (BY MS. BALDWIN) I'd like to read you a 20 sentence and ask your reaction. 21 A. Okay. 22 Q. With 8 to 12 million illegal aliens currently 23 living in the U.S., the basic American principle of 24 one person, one vote, is in danger. 25 Do you agree with this statement?</p>
<p style="text-align: right;">178</p> <p>1 just -- it looks like it was a discussion by others 2 and I read this article and I sent it on to those who 3 made that point. 4 Q. So is there a connection between photo ID and 5 the growth of immigration in Texas? 6 A. On the growth of immigration, legal -- 7 Q. The immigrant population. 8 MS. DONNELLY: Objection. Form. 9 A. Legal immigration or illegal immigration? 10 Q. (BY MS. BALDWIN) Either. 11 A. There is a difference. 12 Q. Sure. But to your mind, is there a 13 connection between either? 14 MS. DONNELLY: Objection. Vague. 15 A. I think you have to classify it. 16 Q. (BY MS. BALDWIN) Is there a connection 17 between the growth of the noncitizen population in 18 Texas, generally, and photo ID, to your mind? 19 MS. DONNELLY: Objection. Form. 20 A. Legal or illegal? 21 Q. (BY MS. BALDWIN) Both. 22 A. If you ask me separately, I can answer. If 23 you ask me both, I can't answer. 24 Q. Okay. Is there a connection between illegal 25 immigration and photo ID?</p>	<p style="text-align: right;">180</p> <p>1 A. Is that from that article? 2 Q. No. 3 MR. CLAY: Objection. Form. 4 A. I'd have to think about it. 5 Q. (BY MS. BALDWIN) Have you ever heard that 6 sentiment expressed before? 7 A. Not that I recall. 8 Q. Has any voter ever told you that they're not 9 going to vote in a particular election because they're 10 afraid that their vote will be diluted by fraudulent 11 votes? 12 A. Not that I recall. Someone may have said it, 13 but I don't -- nothing specific that I can recall. 14 Q. Do you believe that prior to the passage of 15 SB 14 there were Texas voters who did not vote because 16 they believed that in-person voter impersonation would 17 cancel out their vote? 18 A. I wouldn't know that, but I've never heard 19 anyone say that to me. 20 Q. Based on your knowledge of Texas politics, 21 would you agree that the majority of African-American 22 voters and the majority of Anglo voters vote for 23 different candidates in statewide general elections in 24 recent Texas elections? 25 MS. DONNELLY: Objection. Form.</p>

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<p style="text-align: right;">181</p> <p>1 A. It depends on the -- first of all, I wouldn't 2 know specifically. But it would -- but it would 3 depend on the person who's on the ballot. 4 Q. (BY MS. BALDWIN) Are you aware of any 5 partisan contest in Texas in which the majority of 6 African-Americans would have supported the Republican 7 candidate? 8 A. No, I'm not aware of that, but I thought you 9 said would any, so... 10 Q. I said "the majority," to be clear. 11 A. Okay. Okay. I missed that. 12 Q. So let me restate the question then to make 13 sure. Would you agree that the majority of 14 African-American voters and the majority of Anglo 15 voters vote for different candidates in statewide 16 general elections in Texas? 17 MS. DONNELLY: Objection. Form. 18 A. I think that the majority of -- well, again, 19 you know, I'd have to look at a specific election and 20 candidate. But I -- but I would think, you know, 21 candidly, it would be fair to say that the majority of 22 minority voters vote for different candidates, but not 23 in every case, not -- at least not to my knowledge. 24 Q. (BY MS. BALDWIN) And when you say "minority 25 voters," are you including both African-American and</p>	<p style="text-align: right;">183</p> <p>1 Q. -- then not the specifics of the bills. 2 And to your knowledge, does the state of 3 Texas have a history of discriminating against 4 minority voters? 5 A. Not in my personal knowledge. Not in my 6 personal knowledge, of my personal knowledge. 7 Now, if you're talking about, have I read 8 history and views on history, yes. But in my personal 9 knowledge, no. 10 Q. Okay. But you're aware, for example, that 11 the state of Texas had a poll tax? 12 A. Not the specifics. But if -- if you -- you 13 know, I'm a fairly good student of history, so I'm 14 aware there were some issues in the past; which, by 15 the way, when the Democrats were in charge of the 16 state, not Republicans. 17 Q. Right. And so you're aware that there was an 18 all-white Democratic primary in Texas, for example? 19 A. I'm not aware -- I'm not actually aware of 20 that specific point, but I am aware of -- of issues in 21 the past. 22 Q. Are you aware of whether Texas has a history 23 of official racial discrimination in other areas, such 24 as access to public education? 25 MR. CLAY: Objection. Form.</p>
<p style="text-align: right;">182</p> <p>1 Hispanic voters in that statement? 2 A. Yes. For example, I don't know how many 3 Hispanic voters voted for George Bush when he ran for 4 president in 2000, 2004, but it might have been a 5 majority. I just don't know that. 6 Q. Can you think of any Texas candidate or 7 statewide office in Texas where you believe the 8 majority of minority voters would have voted for the 9 Republican candidate? 10 A. I can't think of any offhand. 11 Q. In your judgment, does racial polarization in 12 Texas politics play any role in why support for SB 14 13 was divided along party lines? 14 MS. DONNELLY: Objection. Speculation. 15 A. Well, first of all, my position is, it was 16 not objected across party lines. The majority of 17 voters in Texas, the majority of citizens in Texas, 18 supported voter ID. 19 I can't help what Democrat-elected officials 20 voted for or against. But if you ask about an issue, 21 the -- that was a bipartisan, across-all-party-lines, 22 supported issue. 23 Q. (BY MS. BALDWIN) You have talked extensively, 24 and I won't retread that, about the concept and -- 25 A. Well, you keep asking me.</p>	<p style="text-align: right;">184</p> <p>1 A. You'll have to say that one again. You 2 speeded up. 3 Q. (BY MS. BALDWIN) Are you aware of whether 4 Texas has a history of discrimination in other areas, 5 such as access to public education? 6 A. I'm not personally -- 7 MS. DONNELLY: Objection. Form. 8 THE WITNESS: I'm sorry. 9 A. I'm not personally aware. But I'm sure, you 10 know, I've read or been told about things in the past, 11 long before I was even born or arrived in Texas. 12 Q. (BY MS. BALDWIN) As a current candidate for 13 statewide office, do you believe it's important to 14 campaign so as to appeal to all voters, regardless of 15 race? 16 A. Of course. 17 Q. During the time that you've been involved in 18 Texas politics, have you witnessed occasions where one 19 candidate tries to use race as a factor against 20 another candidate? 21 A. I believe that in some cases Democrats have 22 tried to use that card from time to time. I do not 23 know of Republicans who may have. They may have. But 24 I -- I see it more from the Democrat side. 25 Q. Do you recall that David Dewhurst, the</p>

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<p style="text-align: right;">185</p> <p>1 current lieutenant governor, ran against Ted Cruz for 2 Senate in 2012?</p> <p>3 MS. DONNELLY: Counsel, we're getting a 4 little far afield from voter ID here. Are we going 5 somewhere back to voter ID quickly here or is this 6 just going to be about politics?</p> <p>7 MS. BALDWIN: You're welcome to raise a 8 relevance objection for the record, but Section 2 9 clearly has racial appeals as one of the Senate 10 factors and the court recognized that in its recent 11 decision, so --</p> <p>12 MS. DONNELLY: The campaign between two 13 people who are not here to be deposed I'm not sure is 14 relevant in any regard.</p> <p>15 MS. BALDWIN: You're welcome to state 16 that objection for the record and I'd just ask that we 17 move along with my questions and we'll get these over 18 and --</p> <p>19 MR. CLAY: The Court has also said that 20 campaign stuff is not really relevant, so...</p> <p>21 MR. DERFNER: Not exactly.</p> <p>22 MS. BALDWIN: The Court said there's no 23 arguments --</p> <p>24 MR. DERFNER: I don't think it's going 25 to take very long. It would probably be easier to ask</p>	<p style="text-align: right;">187</p> <p>1 me back up. Are you familiar with the positions that 2 Senator Cruz takes on illegal immigration?</p> <p>3 MR. CLAY: Objection. Relevance.</p> <p>4 MS. DONNELLY: Objection. Relevance.</p> <p>5 MR. CLAY: Form.</p> <p>6 MS. DONNELLY: And also -- yes, form.</p> <p>7 Q. (BY MS. BALDWIN) You can answer.</p> <p>8 A. I have not closely followed Ted Cruz's 9 position in specifics, so I couldn't tell you 10 specifically where he is on issues. And if I were, I 11 would be guessing and I might guess wrong.</p> <p>12 Q. Okay. So having not heard the ad, I take it 13 you're not familiar with the fact that criticism was 14 leveled at it as being race-baiting?</p> <p>15 A. No, I -- no, I really didn't.</p> <p>16 MS. BALDWIN: I'd like to mark a 17 document as Exhibit 9. 18 (Patrick Exhibit 9 marked/introduced.)</p> <p>19 MR. CLAY: I'm going to go ahead and 20 lodge a general relevance objection to questions 21 regarding Exhibit 9.</p> <p>22 MS. DONNELLY: Join that objection. It 23 is not relevant to voter ID.</p> <p>24 Q. (BY MS. BALDWIN) Senator Patrick, in your 25 campaign for lieutenant governor, would you agree that</p>
<p style="text-align: right;">186</p> <p>1 the questions, get them answered, than to argue about 2 it.</p> <p>3 MS. DONNELLY: That's fine. That's 4 fine, as long as it's limited. But we're not going to 5 spend a lot of time on this thing, I take it.</p> <p>6 MS. BALDWIN: It's not nearly the length 7 that we've been through before.</p> <p>8 MR. CLAY: Hopefully not as pointed as 9 before either.</p> <p>10 Q. (BY MS. BALDWIN) Do you recall hearing a 11 radio ad or hearing about a radio ad that Lieutenant 12 Governor Dewhurst ran against Senator Cruz accusing 13 him of supporting amnesty for illegal immigrants?</p> <p>14 A. I don't -- that's a distant race for me, even 15 though it's only a year old. I've been busy in the 16 last year and a half in my own race.</p> <p>17 Q. I'd like to refresh your recollection and 18 just play you a copy of the ad and see if that...</p> <p>19 (Ad playing.)</p> <p>20 Q. Do you recall ever hearing that ad before?</p> <p>21 A. Actually, I don't think I had heard that ad 22 before.</p> <p>23 MR. DERFNER: You could have used it 24 yourself.</p> <p>25 Q. (BY MS. BALDWIN) Having heard that ad -- let</p>	<p style="text-align: right;">188</p> <p>1 illegal immigration has been a significant issue?</p> <p>2 A. Yes.</p> <p>3 Q. Do you believe that you've taken harder line 4 stances against illegal immigration than your Republican 5 opponents?</p> <p>6 A. They wouldn't say so. They all said they 7 agreed with me.</p> <p>8 Q. But do you believe that you took harder line 9 stances than your opponents?</p> <p>10 A. You know, I just believe I took the positions 11 I believed in and they took the positions they 12 believed in.</p> <p>13 Q. Do you believe that the issue of illegal 14 immigration contributed to the success of your 15 campaign?</p> <p>16 MS. DONNELLY: Objection. Form.</p> <p>17 A. I believe a lot of factors contributed to the 18 success of my campaign.</p> <p>19 Q. (BY MS. BALDWIN) Do you believe that your 20 positions on illegal immigration were one thing that 21 specifically appealed to voters?</p> <p>22 MS. DONNELLY: Counsel, this is 23 really -- this is all a line of questioning that has 24 nothing to do with voter ID.</p> <p>25 I mean, how -- how many more questions</p>

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<p style="text-align: right;">189</p> <p>1 do you have on this? We're going to allow a little</p> <p>2 bit of questioning, but --</p> <p>3 MS. BALDWIN: Just a few.</p> <p>4 MS. DONNELLY: -- just not -- we're not</p> <p>5 going to go on and on about this.</p> <p>6 A. Repeat, please.</p> <p>7 MS. BALDWIN: Could you read that back,</p> <p>8 please.</p> <p>9 MR. DERFNER: I think it does have to do</p> <p>10 with voter ID. It's part of -- it is part of Section</p> <p>11 2. It's one of the factors that goes into there.</p> <p>12 MS. DONNELLY: Well, I wasn't --</p> <p>13 MR. DERFNER: We are going to end it</p> <p>14 pretty soon.</p> <p>15 MS. DONNELLY: Okay. I didn't hear the</p> <p>16 judge's ruling, and I won't tell you I was there, but</p> <p>17 it strikes me as this has nothing to do with it.</p> <p>18 MR. CLAY: We're also talking about a</p> <p>19 campaign that took place several years after the</p> <p>20 advent of voter ID, so...</p> <p>21 MR. DERFNER: Right. All of which</p> <p>22 relates to the atmosphere and --</p> <p>23 MR. CLAY: Several years after the</p> <p>24 advent --</p> <p>25 MR. DERFNER: Oh, yeah, exactly. Yeah.</p>	<p style="text-align: right;">191</p> <p>1 photo I've been given.</p> <p>2 Q. Do they look Anglo to you?</p> <p>3 A. The one in the middle of -- it's impossible</p> <p>4 to tell, in my view. And the one closest, impossible,</p> <p>5 because the face is -- the whole person is -- is dark.</p> <p>6 Q. They are dark images, correct?</p> <p>7 A. They're dark images.</p> <p>8 MS. DONNELLY: Meaning the shadow, not</p> <p>9 the face?</p> <p>10 A. The shadow, yeah. I don't mean -- yeah, I</p> <p>11 don't mean that they're dark, in being black or brown.</p> <p>12 I mean they're dark in the shadow or the presentation</p> <p>13 of the ad.</p> <p>14 MS. DONNELLY: The photograph is not</p> <p>15 very good.</p> <p>16 THE WITNESS: Yeah.</p> <p>17 Q. (BY MS. BALDWIN) Why does this ad use the</p> <p>18 word "invasion"?</p> <p>19 A. Because the word "invasion" applied to the</p> <p>20 number of illegal immigrants that had been pouring</p> <p>21 over the border in recent times. Other people might</p> <p>22 use another word, but it's been a significant number</p> <p>23 of people.</p> <p>24 Q. An invasion often carries the connotation of</p> <p>25 an enemy force. Do you mean it to have that</p>
<p style="text-align: right;">190</p> <p>1 MS. BALDWIN: At any rate, if we could</p> <p>2 just read the question back and we'll get through this</p> <p>3 line of questioning.</p> <p>4 THE REPORTER: "Do you believe that your</p> <p>5 positions on illegal immigration were one thing that</p> <p>6 specifically appealed to voters?"</p> <p>7 A. Yes.</p> <p>8 Q. (BY MS. BALDWIN) Exhibit 9, is this an image</p> <p>9 that your campaign has used on the Internet?</p> <p>10 A. You know, I assume so. We -- it was a long</p> <p>11 campaign, obviously. The record speaks for itself.</p> <p>12 Q. Could you describe what's pictured in this</p> <p>13 image?</p> <p>14 A. Well, it speaks for itself. It's people</p> <p>15 getting on a train, is what it appears to me, or maybe</p> <p>16 it's climbing a fence. Hard to say. It could be a</p> <p>17 railcar. It could be a fence.</p> <p>18 Q. Are the three men pictured supposed to</p> <p>19 represent illegal immigrants?</p> <p>20 A. Don't know. I didn't do the ad, but -- but</p> <p>21 I -- that would be my -- I think that's what it would</p> <p>22 suggest.</p> <p>23 Q. And as you look at this ad, what's the race</p> <p>24 of the persons pictured?</p> <p>25 A. You can't tell by -- you can't tell by the</p>	<p style="text-align: right;">192</p> <p>1 connotation?</p> <p>2 A. No.</p> <p>3 Q. When you were first running for Senate in</p> <p>4 2006, did you state that -- about illegal</p> <p>5 immigrants -- that, quote, "they are bringing third</p> <p>6 world diseases with them," end quote, including,</p> <p>7 quote, "polio and leprosy"?</p> <p>8 A. I was quoting -- I believe that's from a Fox</p> <p>9 newscast, of which I was on. And I was quoting a</p> <p>10 Centers for Disease Control study from 2006, as best I</p> <p>11 recall. And I wouldn't even have any recollection of</p> <p>12 that except I've been asked this before.</p> <p>13 Q. Do you believe that the statement was</p> <p>14 accurate -- do you believe, today, that the statement</p> <p>15 was accurate when you made it?</p> <p>16 A. Well, the Centers for Disease Control based</p> <p>17 in Atlanta is a nonpartisan group, and so I would</p> <p>18 think that their information is accurate.</p> <p>19 Q. So do you stand by the idea that today</p> <p>20 undocumented immigrants are bringing polio and leprosy</p> <p>21 to Texas?</p> <p>22 MS. DONNELLY: I'm going to object to</p> <p>23 that question, and I -- I really do think we've gone</p> <p>24 on and this is far, far afield. I think we've</p> <p>25 answered all the questions we're going to answer on</p>

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<p style="text-align: right;">193</p> <p>1 that.</p> <p>2 Q. (BY MS. BALDWIN) Last topic. Are you aware</p> <p>3 of Ted Nugent, in public remarks, calling President</p> <p>4 Obama a "subhuman mongrel"?</p> <p>5 MS. DONNELLY: This is way off field.</p> <p>6 We're not answering that one either.</p> <p>7 MS. BALDWIN: I would hate to have to</p> <p>8 come back to reopen the deposition to just do four</p> <p>9 questions.</p> <p>10 MS. DONNELLY: If we're going to reopen</p> <p>11 the whole deposition for that question, I guess I'll</p> <p>12 be surprised by that.</p> <p>13 Do you have an answer to that?</p> <p>14 A. What was the question?</p> <p>15 Q. (BY MS. BALDWIN) Are you aware of Ted Nugent,</p> <p>16 in public remarks, calling President Obama a "subhuman</p> <p>17 mongrel"?</p> <p>18 MS. DONNELLY: Objection. Relevance.</p> <p>19 Have you heard of it?</p> <p>20 A. I may have heard something in the news about</p> <p>21 it, or somewhere, but I -- it's not something that</p> <p>22 jumps off the page to me.</p> <p>23 Q. (BY MS. BALDWIN) Would you agree that it was</p> <p>24 a racist statement to call President Obama a "subhuman</p> <p>25 mongrel"?</p>	<p style="text-align: right;">195</p> <p>1 think these questions are out of bounds. And I'm not</p> <p>2 a lawyer, so I guess you can ask them, but I'm not</p> <p>3 going to respond to them.</p> <p>4 Q. (BY MS. BALDWIN) The last question: What</p> <p>5 kind of message do you think it sends to</p> <p>6 African-American Texans for a candidate for governor</p> <p>7 to appear with someone who has used this kind of</p> <p>8 rhetoric?</p> <p>9 MR. CLAY: Objection. Form and</p> <p>10 foundation.</p> <p>11 MS. DONNELLY: Out of bounds.</p> <p>12 Irrelevant.</p> <p>13 MR. DERFNER: That sounds like a</p> <p>14 perfectly good question to me.</p> <p>15 A. I'm not even going to respond to it. I think</p> <p>16 it -- I think it is -- I feel like I'm now being</p> <p>17 attacked by you on a political basis, so I'm just...</p> <p>18 Q. (BY MS. BALDWIN) That's certainly not my</p> <p>19 intention, Senator.</p> <p>20 A. But I feel that way.</p> <p>21 Q. Well, again, that's not my intention.</p> <p>22 A. You're asking me to make a comment on someone</p> <p>23 who's running for public office and I don't think it's</p> <p>24 an appropriate question. It has nothing to do with</p> <p>25 voter ID.</p>
<p style="text-align: right;">194</p> <p>1 A. I don't like seeing citizens calling any</p> <p>2 legislator or officeholder by names, period, whether</p> <p>3 they be Republican or Democrat, office holders or --</p> <p>4 or citizens.</p> <p>5 Q. But this comment, in particular, would you</p> <p>6 agree that it is a racially inflammatory statement?</p> <p>7 A. It sounds distasteful to me.</p> <p>8 Q. But not racist?</p> <p>9 A. I don't know what this has to do with Senate</p> <p>10 Bill 14. I don't mind sitting here for six hours and</p> <p>11 answering your questions, or seven hours. I feel like</p> <p>12 this question is way out of bounds and I think I've</p> <p>13 given you an honest answer. I find it distasteful.</p> <p>14 If that's what he said, I think it was very</p> <p>15 inappropriate, and I can surely see how it could be</p> <p>16 viewed as being racist, absolutely.</p> <p>17 Q. Are you aware that before Ted Nugent had</p> <p>18 apologized for making those remarks, he campaigned</p> <p>19 with and on behalf of Attorney General Abbott in his</p> <p>20 run for governor?</p> <p>21 MR. CLAY: Objection. Relevance.</p> <p>22 MS. DONNELLY: Objection. Relevance.</p> <p>23 Counsel, can we move on? If we're not</p> <p>24 going to talk about SB 14, let's move on.</p> <p>25 A. Yeah, I'm -- I don't have anything to say. I</p>	<p style="text-align: right;">196</p> <p>1 Q. Again, my question is not about any candidate</p> <p>2 for office, but what kind of message do you think that</p> <p>3 sends to --</p> <p>4 MS. DONNELLY: He's answered the</p> <p>5 question, Counsel. We need to move on.</p> <p>6 A. I have nothing else to say.</p> <p>7 Q. (BY MS. BALDWIN) Okay. That's all I have on</p> <p>8 that topic.</p> <p>9 MS. CONLEY: Can we take a quick break?</p> <p>10 MS. DONNELLY: Sure.</p> <p>11 (Break.)</p> <p>12 MS. BALDWIN: Senator Patrick, I thank</p> <p>13 you for your time and I'll hand over questioning.</p> <p>14 E X A M I N A T I O N</p> <p>15 BY MS. CONLEY:</p> <p>16 Q. Senator --</p> <p>17 MS. DONNELLY: Danielle, I'm sorry to</p> <p>18 interrupt, but are we still under the seal?</p> <p>19 MS. CONLEY: Yes. Yes.</p> <p>20 MS. DONNELLY: Okay. Thank you.</p> <p>21 MS. CONLEY: We might as well keep the</p> <p>22 entire transcript highly confidential.</p> <p>23 MS. DONNELLY: All questions, all</p> <p>24 exhibits, all answers, are under seal.</p> <p>25 MS. CONLEY: Exactly.</p>

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<p style="text-align: right;">197</p> <p>1 MS. DONNELLY: Thank you.</p> <p>2 Q. (BY MS. CONLEY) Senator Patrick, my name is</p> <p>3 Danielle Conley, and I represent the Texas League of</p> <p>4 Young Voters Education Fund, as well as Imani Clark,</p> <p>5 who are plaintiff-intervenors in this suit.</p> <p>6 And just so you know, I think we can keep with</p> <p>7 all the same instructions and definitions that</p> <p>8 Ms. Baldwin went over with you at the beginning of the</p> <p>9 deposition, okay?</p> <p>10 A. Okay.</p> <p>11 Q. And I promise not to go on too long so we can</p> <p>12 get out of here.</p> <p>13 A. Okay.</p> <p>14 Q. Although I can't -- I don't know how long my</p> <p>15 colleague, Mr. Derfner, will take.</p> <p>16 So I believe Ms. -- you and Ms. Baldwin went</p> <p>17 over a few of the amendments that were offered with</p> <p>18 respect to SB 14, right? And you testified that</p> <p>19 you -- you sponsored Amendment 35; is that right?</p> <p>20 A. Whatever that number was.</p> <p>21 Q. And the -- the disability exception, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And that -- that was an exception for</p> <p>24 certain people with disabilities from the photo ID</p> <p>25 requirement; is that right?</p>	<p style="text-align: right;">199</p> <p>1 many would want to go vote.</p> <p>2 And many people who have significant</p> <p>3 disabilities are kind of -- you know, they -- they're</p> <p>4 not homebound, but they don't go far distances. They</p> <p>5 may be able to get someone to take them to the store.</p> <p>6 And so someone could take them to their</p> <p>7 closest precinct to vote, which is usually close, but</p> <p>8 they may not be able to travel a distance to a DPS</p> <p>9 office, if they happen to live in a rural community.</p> <p>10 Q. Right.</p> <p>11 A. And -- and, again, in most cases, someone who</p> <p>12 is homebound and severely disabled probably isn't</p> <p>13 isolated in rural Texas. But that was the purpose,</p> <p>14 just to make sure that they would have an exception.</p> <p>15 Q. So you wanted to alleviate the burden that</p> <p>16 those people would face in obtaining a photo ID?</p> <p>17 A. I thought it was the right thing to do.</p> <p>18 Q. Okay. I'm going to hand you an e-mail that</p> <p>19 was produced in this litigation.</p> <p>20 A. Okay.</p> <p>21 (Patrick Exhibit 10 marked/introduced.)</p> <p>22 Q. (BY MS. CONLEY) And just for the record, the</p> <p>23 Bates range on this is TX 00261258 through 59.</p> <p>24 A. I have 56 through 57.</p> <p>25 MR. CLAY: That's what I have also.</p>
<p style="text-align: right;">198</p> <p>1 A. With severe disabilities.</p> <p>2 Q. What --</p> <p>3 A. Significant, severe disabilities. If they</p> <p>4 had a letter from a doctor. They had to have a letter</p> <p>5 from a -- it wasn't -- it wasn't anyone who said, "I'm</p> <p>6 disabled."</p> <p>7 Q. Oh, I see. But -- but when you say "severe</p> <p>8 disabilities," you just mean people with a disability</p> <p>9 who could obtain a letter from a doctor?</p> <p>10 A. Correct.</p> <p>11 Q. There was no threshold of severity that was</p> <p>12 necessary?</p> <p>13 A. I don't believe so. I don't believe so.</p> <p>14 Q. Okay. And -- and I'm sorry if you testified</p> <p>15 as to this before, but just --</p> <p>16 A. Okay.</p> <p>17 Q. -- one more time: Why did you think a</p> <p>18 disability exception was important?</p> <p>19 A. Again, I looked at the Indiana law, as I</p> <p>20 recall. I've been involved with the disabled</p> <p>21 community for -- since 1988, was very active.</p> <p>22 And I -- and I -- it seems to me someone's --</p> <p>23 it kind of rings in my head someone said to me, you</p> <p>24 know, just because -- you know, as I know from working</p> <p>25 with the disabled, many are very independent and so</p>	<p style="text-align: right;">200</p> <p>1 MS. CONLEY: Oh, I'm sorry. I'm sorry.</p> <p>2 Give me a second. That's right. I'm sorry, that's</p> <p>3 right. 56 through 57.</p> <p>4 Q. (BY MS. CONLEY) And this appears to be an</p> <p>5 e-mail from you dated February 24, 2011, to</p> <p>6 catherine@kingstreetpatriots.org; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. And who is Catherine?</p> <p>9 A. Catherine Englebreth. I believe she is the</p> <p>10 founder of King Street Patriots or True the Vote.</p> <p>11 Maybe not King Street Patriots. She's involved with</p> <p>12 King Street Patriots. Let's leave it at that.</p> <p>13 Q. And what is King Street Patriots?</p> <p>14 A. It's a -- I think it's a Tea Party group.</p> <p>15 Q. Okay.</p> <p>16 A. Or it's a grassroots conservative group.</p> <p>17 Q. Do you know if it's affiliated with True the</p> <p>18 Vote?</p> <p>19 A. I don't know. I know she -- she also does</p> <p>20 work with True the Vote, but I don't know if they're</p> <p>21 connected, so...</p> <p>22 Q. Did you often correspond with Ms. -- well,</p> <p>23 let me step back. Why don't you take time to read the</p> <p>24 e-mail before I ask you questions about it.</p> <p>25 A. Okay.</p>

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<p style="text-align: right;">201</p> <p>1 Q. And what was the purpose of this particular 2 e-mail to Ms. Englebreth?</p> <p>3 A. By reading it, and I don't recall sending it 4 or writing it, but at the time -- I mean, I don't 5 recall it today -- it appears that she was one of a 6 number of people who had concerns about an amendment 7 that at that time -- I'm not sure when I put the 8 amendment -- this says February 24th. So I guess she 9 had a concern about the amendment.</p> <p>10 Q. About the disability amendment?</p> <p>11 A. Yes. Either she heard I was going to offer 12 it or it had already been offered. I'm not sure of 13 the timing.</p> <p>14 Q. And did you often correspond with 15 Ms. Englebreth regarding pending legislation?</p> <p>16 A. Seldom. During session, I usually don't -- I 17 usually don't initiate response. I'm too busy. But I 18 will respond for people who know -- like, in fact, it 19 says not that many people have my -- I say that in the 20 big scheme of things; you know, hundreds and hundreds 21 have my e-mail address, but -- but, no, that would be 22 unusual to correspond to her. So I was answering her 23 question.</p> <p>24 Q. So it would be unusual, in your ordinary 25 course, to --</p>	<p style="text-align: right;">203</p> <p>1 you a few minutes ago, it -- yes, it does reflect 2 everything.</p> <p>3 Q. Okay. And in the e-mail you recognize that 4 obtaining an ID might create an undue burden for some 5 disabled voters, right?</p> <p>6 MS. DONNELLY: Objection. Form.</p> <p>7 A. I think it speaks for itself. I've answered 8 the question multiple times now, and I'm happy to 9 answer it again for you. But I felt it was the right 10 thing to do on behalf of people that have major 11 disabilities.</p> <p>12 Q. (BY MS. CONLEY) Okay. So you mention in the 13 second full paragraph there that there are "77 14 counties that do not have a DPS office"; is that 15 right?</p> <p>16 A. That's what it says. I'm assuming that's 17 correct.</p> <p>18 Q. So in your view, at least at the time that 19 you wrote this e-mail, the fact that 77 counties 20 lacked a DPS location might create an undue burden for 21 disabled voters who needed to obtain an ID for 22 purposes of voting?</p> <p>23 A. Well, I -- I say in that -- it says "in 24 addition," so that's just another reason, but I don't 25 think that was the primary reason. Because you have</p>
<p style="text-align: right;">202</p> <p>1 A. Yeah, I don't communicate with her to my 2 knowledge, on a regular basis.</p> <p>3 Q. Had you communicated with her before 4 regarding voter ID issues?</p> <p>5 A. I don't know. I don't know.</p> <p>6 Q. Do you recall how many conversations you had 7 with Ms. Englebreth concerning SB 14?</p> <p>8 A. I don't. But in general, my communications 9 with her are, you know, very seldom, very limited.</p> <p>10 Q. Okay. Do you recall whether this is the only 11 communication you had with her regarding your 12 disability amendment?</p> <p>13 A. Well, since I believe I produced -- I 14 believe, since this is from my personal e-mail, this 15 is the only one I apparently found.</p> <p>16 Q. So you never met face-to-face with her?</p> <p>17 A. I don't -- I don't think so. I stand to be 18 corrected, but I don't think so.</p> <p>19 Q. So you've had the opportunity to read the 20 e-mail, right?</p> <p>21 A. I have.</p> <p>22 Q. Does this e-mail reflect your rationale for 23 putting forward a disability amendment which exempted 24 disabled voters from obtaining a photo ID?</p> <p>25 A. Yes. As I -- actually, as I explained it to</p>	<p style="text-align: right;">204</p> <p>1 to remember, Texas has 254 counties. Those 77, I bet 2 if we went and looked them up, they might not have 3 5,000 people living in them.</p> <p>4 So we probably -- probably don't have a lot 5 of disabled, homebound, by themselves out in the 6 middle of nowhere. It would be unusual. So I don't 7 know that that was -- but that's just a part of, you 8 know, in case there was.</p> <p>9 Q. Right. But it was one of the reasons?</p> <p>10 A. It was one of the reasons.</p> <p>11 Q. Okay. And then -- give me one second. In 12 the third full sentence in that same paragraph, you 13 wrote: "The purpose of the amendment was to address 14 that issue, as well as any disabled person in any area 15 who does not have a photo ID and who would face an 16 undue burden to get one in order to vote."</p> <p>17 And so in addition to the -- the 77 counties 18 that lack a DPS, what were some of the other reasons 19 that someone who's disabled may face an undue burden 20 in trying to obtain a photo ID?</p> <p>21 A. Well, and I think this kind of clarifies what 22 I just said in my last answer, that it really wasn't 23 the focus of -- my experience has been that people 24 with severe disabilities do not live in isolated areas 25 because they need to be near a doctor or a medical</p>

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<p style="text-align: right;">205</p> <p>1 center. And many of our rural counties don't have 2 medical facilities. 3 So that's why it wasn't a main -- it just 4 says "The" -- let me read it. "The purpose of the 5 amendment was to address the issue, as well as any 6 disabled person in any area who does not have a photo 7 ID and would face..." 8 For example, I've served on health and human 9 services three out of the last four sessions. When 10 we -- and when we have testimony in Austin, we have a 11 lot of people who come in self-controlled -- what's 12 the word I'm looking for -- wheelchairs, motorized 13 wheelchairs. 14 And I see them very often when I'm leaving 15 the Capitol or coming in. And some of them, by their 16 own initiative, without any help, because they are 17 very independent, many come blocks and blocks and 18 blocks to come to the Capitol. They live somewhere in 19 Austin. 20 So my image is that that's that group of 21 people who want to come and testify on -- not voter 22 ID, but on a health and human service issue. 23 But even if you lived in a city the size of 24 Austin, you may be someone who needs help to get 25 around. So even though DPS may only be two miles away</p>	<p style="text-align: right;">207</p> <p>1 the radio. 2 Q. You said he was the Harris County tax 3 collector -- 4 A. Tax assessor-collector. 5 Q. -- or tax assessor-collector. 6 Was he also the voter registrar? 7 A. You know, I don't know if that comes under 8 his purview or not. You know, I'd have to check. I 9 don't know. I don't know if that's the district clerk 10 or the county clerk. You know, I'm not sure. 11 Q. So you don't know. And do you believe that 12 you -- do you know whether you knew at the time -- 13 A. I don't know. 14 Q. -- that he was the voter registrar? 15 A. Yeah, I don't know. I just don't know. I 16 think he had something to do with it, but I can't tell 17 you what the title was. 18 Q. And why don't you take a little time to read 19 the e-mail before I ask you questions about it. 20 A. Okay. I speed-read through it. The middle 21 was kind of the same as the other. 22 Q. So did you frequently consult with 23 Mr. Bettencourt on pending legislation? 24 A. Yeah, Paul is a friend. And as a talk-show 25 host, I try to have the talk-show host of my radio</p>
<p style="text-align: right;">206</p> <p>1 or three miles, it's too far for you to go in your own 2 wheelchair without help. So that was the reason. 3 Q. Okay. So there are other reasons that -- 4 A. Other reasons. 5 Q. -- there are other reasons that people could 6 face burdens in trying to obtain a photo ID other than 7 the lack of a DPS in their particular county? 8 A. Well, for disabled people, yes. 9 Q. Let's take a look at another e-mail. 10 (Patrick Exhibit 11 marked/introduced.) 11 Q. (BY MS. CONLEY) I think we're up to Exhibit 12 11. And for the record, this e-mail is Bates stamped 13 TX 00261258 through 59. 14 A. Correct. 15 Q. Okay. And looking -- starting about a third 16 down in the page, the e-mail that I'm looking at is 17 from you, Dan Patrick, dated February 1, 2011, to Paul 18 Bettencourt; is that correct? 19 A. Yes, ma'am. 20 Q. And who is Paul Bettencourt? 21 A. Paul Bettencourt was a former -- I don't know 22 if he still was at the time -- tax assessor-collector 23 and -- in Harris County, and he was also a substitute 24 host on the radio for me when I was -- one of 25 several -- when I was in session and couldn't be on</p>	<p style="text-align: right;">208</p> <p>1 station informed of what's going on when I'm in the 2 legislature, because I'm pretty knowledgeable, 3 obviously. 4 Q. And so did you talk to him fairly frequently 5 about voter ID issues? 6 A. I don't know about voter ID issues 7 particularly, but we talked about all issues. 8 Q. And in that -- I guess it's the second 9 paragraph, right after the "DO NOT FORWARD E-MAIL" 10 language, you write: "My office got a long call from 11 Hammerline and Ed Johnson today." 12 And taking those people one by one, who is 13 Hammerline? 14 A. That's George Hammerline, and I don't know if 15 he worked for Paul, but he worked somewhere in county 16 government, either in the tax assessor-collector or 17 clerk's office or voter -- I'm not sure. But he works 18 in -- I think he works in county government. 19 Q. So is it your recollection that he was an 20 employee in the Harris County voter registration 21 department? 22 A. You know, I don't know his exact position, 23 but that's my -- I don't actually know what George 24 does, but I believe that he's involved somewhere in 25 the county government.</p>

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<p style="text-align: right;">209</p> <p>1 Q. Is he also a Republican campaign consultant?</p> <p>2 A. Not that I'm aware of.</p> <p>3 Q. So you're not one of his clients?</p> <p>4 A. Oh, no. I don't think he's a consultant,</p> <p>5 but, oh, no.</p> <p>6 Q. Okay.</p> <p>7 A. Again, I don't know if he is or he isn't, but</p> <p>8 not to my knowledge.</p> <p>9 Q. And what about Ed Johnson?</p> <p>10 A. Ed Johnson has a similar role. I'm not</p> <p>11 exactly sure what Ed does, but he works in county</p> <p>12 government.</p> <p>13 Q. He works in county government?</p> <p>14 A. It's something to do with -- with -- I think</p> <p>15 something to do with either the clerk's office or</p> <p>16 voter registrar or tax assessor. Don't know.</p> <p>17 Q. Okay. Is he a Republican campaign</p> <p>18 consultant?</p> <p>19 A. If he is, I'm not aware of it.</p> <p>20 Q. And so you're not one of his clients?</p> <p>21 A. No.</p> <p>22 Q. What is your relationship with them?</p> <p>23 A. I just know them.</p> <p>24 Q. And let's take them one by one.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">211</p> <p>1 the office and -- you know, kind of an activist guy.</p> <p>2 Q. And when you say that your office "got a long</p> <p>3 call," was that you, personally? Did you personally</p> <p>4 speak with George Hammerline?</p> <p>5 A. No.</p> <p>6 Q. It was someone on your staff?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know who?</p> <p>9 A. I do not.</p> <p>10 Q. And then with respect to Ed Johnson, what is</p> <p>11 your relationship with Ed?</p> <p>12 A. The same thing. I know Ed. You know, I see</p> <p>13 him occasionally on social occasions, and he's a</p> <p>14 precinct chair, so I see him at Republican gatherings</p> <p>15 and -- and he would come to the Capitol, too.</p> <p>16 I don't know if he represented the district</p> <p>17 clerk's office, like, with a government relations</p> <p>18 person. He and George may have done some of that.</p> <p>19 You know, I just don't know their specific official</p> <p>20 role.</p> <p>21 Q. And did you frequently consult with him when</p> <p>22 making decisions regarding legislation?</p> <p>23 A. Not legislation, in general. But both -- Ed,</p> <p>24 particularly, as I recall -- and I haven't talked to</p> <p>25 him for -- at length, probably, since 2011 -- but I</p>
<p style="text-align: right;">210</p> <p>1 Q. What's your relationship with George</p> <p>2 Hammerline?</p> <p>3 A. I just know them over the years of being --</p> <p>4 they're, you know, active people in the party and, you</p> <p>5 know, I just know -- you know, I just know them.</p> <p>6 Q. And did you also --</p> <p>7 A. Ed is a precinct chair as well near where I</p> <p>8 lived.</p> <p>9 Q. So with respect -- sticking with George</p> <p>10 Hammerline for a minute -- did you often consult with</p> <p>11 him when making decisions regarding legislation?</p> <p>12 A. Virtually never. I mean, I've had very -- if</p> <p>13 I talk to George twice a year, it'd be a lot.</p> <p>14 Q. Did you --</p> <p>15 A. Outside of a social thing or something.</p> <p>16 Q. Outside of this e-mail --</p> <p>17 A. Yes.</p> <p>18 Q. Let me rephrase the question.</p> <p>19 Did you have any conversations with George</p> <p>20 Hammerline regarding SB 14?</p> <p>21 A. You know, I might have, because he -- he</p> <p>22 would hang around the Capitol, and he's kind of an</p> <p>23 interested guy, and he may even -- he may even</p> <p>24 have a -- I mean, I'm not exactly sure what George's</p> <p>25 role was. But he would be at the Capitol and come in</p>	<p style="text-align: right;">212</p> <p>1 think he has something to do with -- he's really</p> <p>2 interested in the topic or -- and, so I think we</p> <p>3 probably had a discussion or two about different</p> <p>4 things. But I don't recall specifically. But I</p> <p>5 wouldn't be surprised if we didn't have discussion.</p> <p>6 Q. And you say in this sentence, right after you</p> <p>7 say that "My office got a long call from Hammerline</p> <p>8 and Ed Johnson," you say, "Paul, please call these</p> <p>9 guys and ask them to relax and not make this an</p> <p>10 issue."</p> <p>11 What were -- what were they making an issue?</p> <p>12 A. It all -- as I recall -- again, it all goes</p> <p>13 back to this handicapped hanger, that it</p> <p>14 just -- people just got up over the dashboard about</p> <p>15 it, like, "Oh, my goodness, Dan's going to let 500,000</p> <p>16 people just vote because they've got a handicapped</p> <p>17 hanger." That's what I recall.</p> <p>18 And they just didn't -- they hadn't -- which</p> <p>19 often happens. They hadn't read it and didn't</p> <p>20 understand what it meant.</p> <p>21 Q. So were they upset at the idea of an</p> <p>22 amendment that would allow more people to vote?</p> <p>23 A. No, not more people. They're fine with</p> <p>24 people voting who are registered and eligible to vote.</p> <p>25 Their concern was, it could create a loophole</p>

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<p style="text-align: right;">213</p> <p>1 for people who might want to vote illegally, to vote 2 by just walking in and saying, "Here" -- you know, 3 "Here's my -- I'm handicapped, I don't have to have 4 photo ID." That was their -- I think their concern. 5 Q. I see. So your understanding -- your 6 understanding is that their impression was that they 7 could simply vote by showing the little hanging 8 sticker -- 9 A. Yes. 10 Q. -- in their car? 11 A. Yes. Yes. That -- that's what -- all the 12 confusion from Catherine Englebreth. That's what 13 they all thought. And, obviously, they were all 14 supportive of the photo voter ID and they thought 15 this -- that my amendment, potentially -- you know, I 16 can't speak for their opinion, in their mind. 17 But my -- my impression is, they thought this 18 was undermining the bill by creating a -- that people 19 would start, you know, asking for a handicapped 20 hanger. 21 Q. And so -- I think I asked you this question 22 with respect to the last e-mail. 23 But with respect to this e-mail, does this 24 reflect -- does this reflect your understanding of the 25 purpose behind the disability amendment that you</p>	<p style="text-align: right;">215</p> <p>1 Q. Right. And one of your -- your points here, 2 is that "Therefore, a disabled person may" not "be 3 able to get a ride to their local precinct" -- or, 4 sorry, "Therefore, a disabled person may be able to 5 get a ride to their local precinct, but not a ride 6 over 75 miles if they live in one of these counties to 7 get the photo ID." 8 A. Yes. 9 Q. Okay. And I believe that you testified 10 earlier that -- your testimony was that people get 11 rides all the time and that you didn't think it was 12 harder for people without cars to get an ID. 13 A. If they were not disabled. 14 Q. So if the person is -- so you think it's a 15 burden, if someone is disabled, to get a ride from 16 someone to a DPS, but it's -- 17 MS. DONNELLY: Objection. Form. Go 18 ahead. 19 Q. (BY MS. CONLEY) -- but it's not a burden if 20 someone needs to get a ride for any other reason from 21 someone to go to a DPS? 22 A. You know, to some of these things you apply 23 your common sense and your knowledge. And we -- and 24 reasonable people -- that's how we write legislation, 25 very often.</p>
<p style="text-align: right;">214</p> <p>1 proposed? 2 A. Yes, it does. 3 Q. Okay. And so you note here, in the second 4 paragraph, just as you did in the previous e-mail that 5 we looked at, that "77 counties in Texas do not have a 6 DPS office," right? 7 A. Yes. 77 counties, or more, in Texas, don't 8 have a lot of things. 9 Q. Okay. But this -- but this is specifically 10 about -- 11 A. Yes. 12 Q. -- the lack of DPS offices -- 13 A. Yes. 14 Q. -- in particular counties? 15 A. Yes. 16 Q. Okay. Great. And then you further note that 17 a disabled person may not be able to get "a ride over 18 75 miles if they live in one of these counties to get 19 the photo ID" -- 20 A. Right. 21 Q. -- right? 22 A. Yeah. This was a little "belt and 23 suspenders." I wanted to be sure that people who had 24 disabilities had -- made sure they had the opportunity 25 to vote in person if they wanted to vote.</p>	<p style="text-align: right;">216</p> <p>1 And you come to the conclusion, as I've said 2 earlier in my testimony, that if a person chooses to 3 live in rural -- in a rural area, they usually have 4 some means of getting somewhere; otherwise... 5 Well, and again, take the disabled community 6 to the side. I'm talking about an able-bodied 7 community -- whether they're black, white, or brown, 8 poor, middle class, or wealthy -- they have -- if they 9 live in a rural area, they have some means of getting 10 somewhere. They either have their own car or a family 11 member has a car or a friend has a car. 12 It is not logical, to me, that someone lives 13 in a remote area without any access to transportation 14 to get anywhere; otherwise, they would be very 15 isolated. 16 Q. Do you think that some -- you mentioned 17 living in a rural area being a choice, right? 18 A. It can be. 19 Q. It can be. 20 A. Not always, but it can be a choice. 21 Q. But you would admit that it's not always a 22 choice? 23 MS. DONNELLY: Objection. Speculative. 24 A. Yeah, I don't know why people choose to live 25 places. But all of us choose to live in a state,</p>

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<p style="text-align: right;">217</p> <p>1 choose to live in a city, choose to live in a county, 2 choose to live wherever we live. Sometimes it's by 3 where we work. So I can't speak for everyone. But 4 very often, people choose to live where they choose to 5 live. 6 Q. (BY MS. CONLEY) Would you agree that if you 7 are poor or live below the poverty line in a rural 8 area, that it may not necessarily be a choice to just 9 pack up and move? 10 MR. CLAY: Objection. Form. 11 MS. DONNELLY: Objection. Form. 12 A. Yeah, I understand that in some cases it 13 might not be a choice. 14 Q. (BY MS. CONLEY) Okay. So you also 15 state -- and let me find it -- in your Number 2 there, 16 in that same paragraph, it's the last sentence: "It 17 could even be a burden in a suburban or urban area, 18 e.g. there is not a single DPS office inside the 19 Loop." Is that -- 20 A. Yes. 21 Q. Okay. And by "inside the Loop," you mean 22 inside of the -- Interstate 610, correct? The area of 23 Houston that's inside of Interstate 610; is that 24 right? 25 A. Yes. And I believe that's correct. I may be</p>	<p style="text-align: right;">219</p> <p>1 people who kind of try to live independently. There 2 are a lot of disabled people who try to live on their 3 own. 4 Q. (BY MS. CONLEY) So it seems -- it seems to 5 me, based on everything that we've discussed today and 6 then looking at these e-mails, that you greatly 7 consider the burden that disabled individuals may face 8 in trying to obtain a photo ID; is that accurate? 9 A. Please repeat the question. 10 MS. CONLEY: Could you read that back? 11 THE REPORTER: "So it seems -- it seems 12 to me based on everything that we've discussed today 13 and then looking at these e-mails, that you greatly 14 consider the burden that disabled individuals may face 15 in trying to obtain a photo ID; is that accurate?" 16 A. Well, no, if the -- if the word "greatly 17 considered." But obviously, I considered it. 18 Q. (BY MS. CONLEY) And you were persuaded that 19 certain individuals, specifically disabled 20 individuals, could face burdens in obtaining a photo 21 ID, and that was a problem that you wanted to remedy; 22 is that -- is that right? 23 A. I think that my testimony and my documents 24 and the amendment speak for themselves. 25 Q. And so did you consider the burden of</p>
<p style="text-align: right;">218</p> <p>1 incorrect, and we may have opened one since then, but 2 I -- at the time, I believe that was correct. 3 Q. But at this time there were no DPS locations 4 in the Loop? 5 A. I believe it. 6 Q. Okay. So is it fair to say that at this time 7 in your view, the lack of DPS offices in some counties 8 and the lack of DPS offices inside the Loop would 9 impose an undue burden on disabled individuals who 10 needed to travel longer distances to obtain a photo 11 ID? 12 MR. CLAY: Objection. Form. 13 MS. DONNELLY: Join it. 14 A. I think the document speaks for itself. I 15 think the document's pretty clear. 16 Q. (BY MS. CONLEY) At the time you wrote this 17 e-mail, it was your view that the lack of DPS offices 18 inside the Loop could pose a burden -- an undue burden 19 on disabled individuals -- 20 MS. DONNELLY: Objection. 21 Q. (BY MS. CONLEY) -- right? 22 MS. DONNELLY: Objection. Form. 23 Go ahead. 24 A. It could impose a burden on people who have a 25 significant disability who otherwise, in my view, are</p>	<p style="text-align: right;">220</p> <p>1 obtaining a photo ID that would fall on any groups 2 other than the disabled? 3 A. No, because I didn't see it as a great burden 4 for a great number of people or a burden for a 5 significant number of people. As I've testified 6 before, and I don't mind repeating: We live in a 7 society where many people are required to have a photo 8 ID for -- for a variety of things. 9 I mean, you know, the federal government, for 10 example, has decided you have to have a legal photo ID 11 to get on an airplane; even people who live in remote 12 rural areas, even people who are poor, even -- you 13 know, people who fall into all categories, actually 14 including people with disabilities. 15 So I did not see it as an undue burden for 16 able-bodied people, regardless of their economic 17 status. 18 Q. Would you agree that many poor people don't 19 ever get on an airplane? 20 MS. DONNELLY: Objection. Form. 21 A. I have no idea about that. 22 Q. (BY MS. CONLEY) Would you agree that there 23 are forms of identification that you can use to get on 24 an airplane that you could not use to vote under 25 SB 14?</p>

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<p style="text-align: right;">221</p> <p>1 A. I don't know what TSA today requires, in 2 terms of -- I mean, I don't know how they match up 3 with ours. I don't know what you can use for an ID. 4 Q. Okay. But is it your testimony, sitting 5 here, that you think that the only forms of ID that 6 can be used to get on an airplane are the same forms 7 of ID that are required under SB 14? 8 MS. DONNELLY: Objection. 9 A. Yeah, I didn't say that. I was just giving 10 you the example that the federal government doesn't 11 let you get on an airplane without a form of ID that 12 they consider appropriate. 13 Q. (BY MS. CONLEY) That's right. And if I -- I 14 guess my question to you is: Hypothetically, if you 15 could get on an airplane with 40 different forms of 16 photo ID, yet SB 14 only allows 7, is that a fair 17 comparison that you're drawing? 18 MS. DONNELLY: Objection. The 19 question's confusing, compound -- 20 MS. CONLEY: Well, wait. 21 MS. DONNELLY: Can you break it down? 22 MS. CONLEY: Just -- just for the 23 record, I don't mind an objection; but a speaking 24 objection, trying to get the witness to, you know, 25 say, "Yes, it's confusing," I think that's improper.</p>	<p style="text-align: right;">223</p> <p>1 your understanding? 2 A. You -- if that's what the TSA rules are, 3 that's your knowledge, that's not my knowledge. 4 Q. So I want to go back to something that you 5 said in response to my question a few questions ago, 6 and I believe it was your testimony that you didn't 7 think -- other than the disabled population, that you 8 didn't that there were burdens that were imposed on 9 other groups of people; is that right? 10 A. Correct. 11 Q. And so does that mean that you actually 12 considered other groups of people, and then said after 13 that consideration, "I don't think that these groups 14 of people are particularly burdened by this law"? 15 A. If you look at what the bill said, and my 16 vote for the bill, you could reach that conclusion. 17 Q. But I guess I'm asking you what you did. 18 Because your testimony was that you thought about 19 other groups of people and thought that the law didn't 20 burden them. 21 And so my question is: In the process of 22 drafting and considering the bill, did you actually go 23 through groups of people and say, "No, I don't think 24 the law burdens this group of people"? 25 MS. DONNELLY: Objection. He didn't</p>
<p style="text-align: right;">222</p> <p>1 Q. (BY MS. CONLEY) If you didn't understand my 2 question, I'm happy to rephrase it, to have the court 3 reporter read it back, but let's try and not do the 4 speaking objections. 5 MS. DONNELLY: Do you understand the 6 question? 7 A. It would be helpful if you broke it down. 8 MS. CONLEY: Okay. Can you read it back 9 for me? Because now I've forgotten it. I'm happy to 10 rephrase it, but I need to know what it was. Thank 11 you. 12 THE REPORTER: "That's right. And if 13 I -- I guess my question to you is: Hypothetically, 14 if you could get on an airplane with 40 different 15 forms of photo ID, yet SB 14 only allows 7, is that a 16 fair comparison that you're drawing?" 17 MS. DONNELLY: Objection. Form. 18 You can answer if you can. 19 A. I don't particularly like answering 20 hypotheticals. You've asked me the question. I don't 21 think they compare. I don't think they compare. 22 Q. (BY MS. CONLEY) Well, I'll tell you this: 23 For example, I can use a student ID to get on an 24 airplane, but I can't use a student ID if I'm a Texas 25 resident trying to vote in a Texas election. Is that</p>	<p style="text-align: right;">224</p> <p>1 draft it. 2 But go ahead. 3 A. I'm sure I went through that mental process 4 because I'm a fair-minded person and I try to do the 5 right thing on behalf of all people, and walked 6 through that exercise and made that conclusion. 7 Q. (BY MS. CONLEY) Did you -- the exercise that 8 you performed in your mind, did that exercise ever 9 pertain to low-income people in Texas? 10 A. It would have pertained to everyone in Texas. 11 Q. So in considering SB 14, you considered the 12 burden or potential burden on low-income voters living 13 in one of the 77 counties without a DPS? 14 A. I considered. And you're using the word 15 "burden," so I choose not to use that word. 16 Q. Or lack thereof? 17 A. Or lack thereof. I asked myself, is this a 18 reasonable request to protect the integrity of the 19 ballot box by able-bodied people living across Texas, 20 and the conclusion was obviously yes. 21 Q. And that conclusion was regardless of whether 22 or not those able-bodied individuals were living below 23 the poverty line? 24 A. We have -- yes. We have -- based on your 25 data of the percentage of people who earn below 35,000</p>

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<p style="text-align: right;">225</p> <p>1 a year, based on the number of people who vote, a 2 minority community, as was established earlier, 3 that -- by your counsel -- that vote for Democrats, it 4 would be very, I think, safe to say that hundreds of 5 thousands of poor voters vote. So I did not see -- so 6 I considered everyone. I didn't consider this to be 7 an obstacle or an unreasonable request. 8 Q. Did you or any of your staff ever conduct any 9 analysis as to whether or not SB 14 would have an 10 impact on low-income voters? 11 MS. DONNELLY: Asked and answered. 12 You can answer again. 13 A. Yeah, I think I've already answered that. I 14 think I've had eight or nine questions on that earlier 15 today. 16 Q. (BY MS. CONLEY) I'm sorry. 17 A. That's okay. 18 Not to my knowledge. 19 Q. Not to your knowledge? 20 A. I don't recall. 21 Q. And you don't -- 22 A. I don't think we did. 23 Q. And you don't recall whether any of your 24 colleagues in the Senate performed such an analysis? 25 A. Yeah, I don't recall.</p>	<p style="text-align: right;">227</p> <p>1 in my district, unincorporated Harris County, do 2 choose to live there for a variety of reasons -- 3 school districts, less traffic. Although, there is a 4 lot of traffic. And so I don't think people move to 5 the suburbs without a way to get to the grocery store. 6 So I didn't think it was an undue burden, or 7 any burden, on anyone living in an area that doesn't 8 have public transportation and might be 10 miles or 12 9 miles from a DPS, to be able to get transportation to 10 go there. 11 Again, I just don't buy into the concept that 12 people who live in the suburbs, or even in somewhat 13 rural Texas, move into a place and say goodbye to 14 everyone after the moving truck leaves and never plan 15 to go out anywhere even if they don't own a car. I 16 just -- so that's my response. 17 Q. And that's your -- this is your personal 18 consideration and -- 19 A. That's my personal consideration -- 20 Q. -- judgment, correct? 21 A. -- judgment, correct. 22 Q. And it's not based on any sort of analysis 23 that you or anyone in the Senate conducted in 24 considering SB 14; is that right? 25 A. I can't speak for other people. But for me,</p>
<p style="text-align: right;">226</p> <p>1 Q. Do you know whether anyone considered DPS 2 locations when drafting or considering or debating 3 SB 14? 4 A. I don't know. 5 Q. Did you or anyone on your staff consider 6 whether -- or consider how long it would take for 7 someone without a driver's license to get to a DPS 8 location? 9 A. I don't recall. 10 Q. You don't recall. Well, I believe you 11 testified earlier that the majority of people in your 12 district couldn't get to a DPS by public transit; is 13 that right? 14 A. To my -- that would be a best guesstimate, 15 based on my knowledge of the fact that we don't have 16 public transportation in much of my district. 17 Q. And was that a consideration at all when you 18 were considering SB 14? 19 A. Only in the context of, based on my answer 20 before, that I believe -- as I stated earlier today, 21 hours ago -- that people who live in my 22 district -- and it's not a poor district, but it's not 23 a super-wealthy district. It's an average, 24 middle-class district. 25 I do think that most of the people who live</p>	<p style="text-align: right;">228</p> <p>1 I just kind of logically walked through the steps of 2 wherever someone might live in Texas, if they were 3 able-bodied, whether they were poor, middle class, 4 or -- or otherwise, and I came to that conclusion. 5 And as I also testified earlier: Three years 6 after the bill has been passed, and multiple 7 elections, there's just no evidence -- and I know this 8 is all about evidence -- I don't think there's any 9 evidence, any significant evidence, of any large 10 number of people -- or anyone at all -- who has said 11 this is an issue. We just haven't heard it. 12 And so I think the process that at least I 13 went through, and the decision that I made, turned out 14 to be proven to be correct. 15 And, again, as I said earlier, I haven't had 16 a -- and we have Democrats from the inner city and 17 rural areas all over the state. I work very well with 18 them. They work very well with me. I've not had one 19 come to me and say, "Dan, we need to fix this." 20 And I'm not aware of any legislation to 21 address any of these issues that you bring up; which, 22 I respect you bring them up, but I just don't think 23 there's any -- there's just nothing here that you can 24 point to. So I believe we were good. I think we were 25 right.</p>

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<p style="text-align: right;">229</p> <p>1 Q. But, Senator, you're basing that on the</p> <p>2 notion that no one's approached you personally and has</p> <p>3 said "This is a problem for me"; is that right?</p> <p>4 A. I base that on no one's approached me,</p> <p>5 personally, that I can recall; that no Democrat</p> <p>6 senator or House member has approached me, that I</p> <p>7 haven't read any media reports.</p> <p>8 I just -- I just haven't -- I'm just not</p> <p>9 aware of anything of significance. You can always</p> <p>10 have an outlier somewhere. Again, I do remember there</p> <p>11 was a story, some person complaining because -- that</p> <p>12 she left it at home.</p> <p>13 Q. And for you, the D.C. District Court's</p> <p>14 opinion in this Section 5 litigation in which they</p> <p>15 found that there was a significant burden on poor</p> <p>16 people, who were disproportionately people of color,</p> <p>17 that doesn't count?</p> <p>18 MR. CLAY: Objection. Form.</p> <p>19 MS. DONNELLY: Objection.</p> <p>20 Argumentative.</p> <p>21 MR. CLAY: Foundation, too.</p> <p>22 A. And this was asked and answered before. And</p> <p>23 my answer, I think, was, I'm more concerned about what</p> <p>24 the people of Texas say and what my colleagues on the</p> <p>25 other side of the aisle say, than I am the D.C. court.</p>	<p style="text-align: right;">231</p> <p>1 A. I didn't remember that.</p> <p>2 Q. Very sorry.</p> <p>3 A. Okay. No, that's fine.</p> <p>4 MS. CONLEY: Thank you, Anna, very much,</p> <p>5 for clearing up the record there.</p> <p>6 Q. (BY MS. CONLEY) And so you know what that is?</p> <p>7 A. Now that you remind me, yes.</p> <p>8 Q. Okay. And so do you know whether during the</p> <p>9 consideration of SB 14 there was any analysis done</p> <p>10 regarding the cost that a registered voter would incur</p> <p>11 to obtain an EIC?</p> <p>12 A. I don't. I don't recall. And -- well, I</p> <p>13 shouldn't be asking you questions.</p> <p>14 You're saying, we added that to the bill?</p> <p>15 Q. The EIC -- what I'm saying is that the EIC is</p> <p>16 a part -- it's a part of SB 14.</p> <p>17 A. It's part of the bill.</p> <p>18 Q. Yes.</p> <p>19 A. Okay. Yes.</p> <p>20 Q. But you don't recall any analysis being done</p> <p>21 as to the cost that someone may incur in order to</p> <p>22 obtain --</p> <p>23 A. Since I --</p> <p>24 Q. -- that ID?</p> <p>25 A. -- didn't recall the EIC, I don't recall the</p>
<p style="text-align: right;">230</p> <p>1 Q. (BY MS. CONLEY) So --</p> <p>2 A. Obviously, I respect their -- their opinion,</p> <p>3 but -- but it doesn't impact my thinking.</p> <p>4 Q. Okay. So, Senator, what was the purpose of</p> <p>5 the provision that was added to SB 14 to provide for</p> <p>6 an EIC, the electronic identification certificate?</p> <p>7 A. You're going to have to refresh my memory of</p> <p>8 what that's all about.</p> <p>9 Q. First, do you know what the EIC is?</p> <p>10 A. No, I don't recall right now.</p> <p>11 Q. I can represent to you, just so that we can</p> <p>12 save time and not have to go back to the bill --</p> <p>13 A. Sure.</p> <p>14 Q. -- but the EIC, the electronic identification</p> <p>15 certificate -- or sorry. Sorry. That's the problem.</p> <p>16 That's why you don't understand what I'm saying, I'm</p> <p>17 saying the wrong thing.</p> <p>18 Election identification certificate.</p> <p>19 A. Okay. I'm still not -- you'll have to</p> <p>20 refresh my memory on that.</p> <p>21 Q. It's the purportedly free ID.</p> <p>22 A. Okay. That you get from DPS.</p> <p>23 Q. That you can get from DPS.</p> <p>24 A. That's what it's called. Okay.</p> <p>25 Q. Yes, the EIC.</p>	<p style="text-align: right;">232</p> <p>1 details.</p> <p>2 Q. Okay. So just to go back: You've recognized</p> <p>3 that there's at least some segment of the population</p> <p>4 that could face undue burdens in obtaining even a free</p> <p>5 photo ID, correct?</p> <p>6 MR. CLAY: Objection.</p> <p>7 MS. DONNELLY: Objection. Form.</p> <p>8 Mischaracterizes testimony.</p> <p>9 A. Yeah, you're characterizing that.</p> <p>10 I want to go back and -- and respectfully</p> <p>11 answer this for the multiple -- you know, I don't know</p> <p>12 how many times.</p> <p>13 I simply thought it was the right thing to</p> <p>14 do -- to give people with significant disabilities an</p> <p>15 opportunity to vote without a photo ID, if they could</p> <p>16 get a letter from the doctor -- based on my life</p> <p>17 experiences of working with disabled, based on the</p> <p>18 Indiana bill, and based on I thought it was the right</p> <p>19 thing to do. It has no reflection on anything else or</p> <p>20 any other subgroup of people.</p> <p>21 Q. (BY MS. CONLEY) Do you think it would be the</p> <p>22 right thing to do for a poor person without</p> <p>23 transportation who didn't live close to a DPS?</p> <p>24 MS. DONNELLY: Objection. Form.</p> <p>25 A. And I've answered this before, that I believe</p>

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<p style="text-align: right;">233</p> <p>1 that able-bodied people have an opportunity, even if</p> <p>2 they're poor, to -- and they don't own a car, that</p> <p>3 someone can take them to get their free ID; for the</p> <p>4 few people, the small percentage of people, who may</p> <p>5 not have any form of ID, whether it be a driver's</p> <p>6 license, passport, military, or CHL, or the other</p> <p>7 ones.</p> <p>8 Q. (BY MS. CONLEY) But, Senator, I --</p> <p>9 MS. DONNELLY: He needs to finish his</p> <p>10 answer.</p> <p>11 Q. (BY MS. CONLEY) Did you finish?</p> <p>12 A. I'm finished.</p> <p>13 Q. Okay. But -- I understand what you're</p> <p>14 saying, and what you said.</p> <p>15 However, was that even with respect to</p> <p>16 low-income people, that they had an opportunity?</p> <p>17 A. Right.</p> <p>18 Q. And my question for you is: Whether or not</p> <p>19 they have an opportunity is sort of a different</p> <p>20 question as to whether or not it poses a burden.</p> <p>21 Wouldn't you agree that those are two</p> <p>22 different questions?</p> <p>23 A. Not necessarily. I -- if you have the</p> <p>24 opportunity to get a free ID, as you've just phrased</p> <p>25 it, then it's not a burden.</p>	<p style="text-align: right;">235</p> <p>1 A. Sure.</p> <p>2 Q. -- which is: I believe what I'm hearing you</p> <p>3 say is that there's no difference between a person who</p> <p>4 has a car and lives close to a DPS and any burdens</p> <p>5 that they would experience in going to get the photo</p> <p>6 ID; from a person who doesn't have a car, who does not</p> <p>7 live near a DPS, and then going to get a photo ID.</p> <p>8 What you're saying is those two people are</p> <p>9 equal; is that right?</p> <p>10 MS. DONNELLY: Objection. Form.</p> <p>11 Argumentative.</p> <p>12 Q. (BY MS. CONLEY) I just want to understand.</p> <p>13 A. I think you're mischaracterizing my comments.</p> <p>14 First of all, if you have a car and you can</p> <p>15 go to the DPS to get a free ID, you don't need to go</p> <p>16 to the DPS to get a free ID because you have a</p> <p>17 driver's license; so, obviously, there could be a</p> <p>18 difference.</p> <p>19 If a poor person -- not poor. A person</p> <p>20 without a car, then maybe they don't have it, so there</p> <p>21 could be that difference. Maybe they don't have a</p> <p>22 driver's license.</p> <p>23 You can ask me all day long and we can take</p> <p>24 all full seven hours, plus stoppage time.</p> <p>25 My belief is, if you're an able-bodied</p>
<p style="text-align: right;">234</p> <p>1 Q. If you have a -- so it's your testimony,</p> <p>2 sitting here today, that if you have an opportunity to</p> <p>3 get a free ID it's not a burden?</p> <p>4 A. My testimony is: I believe every able-bodied</p> <p>5 person, regardless of their income level, can acquire</p> <p>6 a free ID if they don't have one already.</p> <p>7 Q. Would you say that it would be easier for a</p> <p>8 person who has a car and who lives close to a DPS to</p> <p>9 go obtain a photo ID than someone who does not have a</p> <p>10 car and who does not live close to a DPS?</p> <p>11 MS. DONNELLY: Objection. Form.</p> <p>12 A. Is it easier for someone who has a car to go</p> <p>13 to the grocery store or the mall than it is for</p> <p>14 someone who doesn't have a car to go to the grocery</p> <p>15 store or the mall? I -- I don't think it's any more</p> <p>16 difficult for a person. Maybe they can't do it the</p> <p>17 precise day and precise time that they'd like to go to</p> <p>18 the store or go to DPS.</p> <p>19 But I believe, again, that you're greatly</p> <p>20 underestimating the wherewithal and the ability of</p> <p>21 even poor people to find a means of transportation to</p> <p>22 get to where they need to go if they want to go.</p> <p>23 Q. (BY MS. CONLEY) Senator, I actually don't</p> <p>24 think that I am, but let me ask just my question</p> <p>25 here --</p>	<p style="text-align: right;">236</p> <p>1 person, regardless of your income status, if you have</p> <p>2 a desire and you need to because you don't have any</p> <p>3 other ID, that you can get</p> <p>4 a -- that it is not a burden to help shore up the</p> <p>5 integrity of our ballot box, which is what our country</p> <p>6 is based upon, the integrity of a ballot box, for all</p> <p>7 of us, regardless of party. I believe it is not a</p> <p>8 burden to ask an able-bodied person to do so.</p> <p>9 Q. And that's based on your own personal</p> <p>10 judgment and not anything else; is that right?</p> <p>11 MS. DONNELLY: Objection. Form.</p> <p>12 A. It's based on -- well, I voted for the bill,</p> <p>13 so there you go.</p> <p>14 (Discussion off the record.)</p> <p>15 Q. (BY MS. CONLEY) So as we discussed in</p> <p>16 corresponding with Mr. Bettencourt in this e-mail, you</p> <p>17 specifically mention that there are no DPS locations</p> <p>18 in the Loop, right?</p> <p>19 A. I believe that that was correct at the time.</p> <p>20 I may have been incorrect. But I believe if I wrote</p> <p>21 that, I assume that was correct.</p> <p>22 Q. Okay. Did you conduct any analysis of the</p> <p>23 racial demographic of the voters who live in the Loop?</p> <p>24 A. No.</p> <p>25 Q. Did you conduct a -- any analysis of the</p>

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<p style="text-align: right;">237</p> <p>1 racial demographic of voters who work in the Loop?</p> <p>2 A. No.</p> <p>3 Q. Are you aware what hours DPS locations in</p> <p>4 Texas are open?</p> <p>5 A. No.</p> <p>6 Q. No?</p> <p>7 A. No.</p> <p>8 Q. Is that something that you considered when</p> <p>9 evaluating SB 14?</p> <p>10 A. I don't recall.</p> <p>11 Q. Do you think it would impose a burden on an</p> <p>12 individual who works business hours if a DPS location</p> <p>13 is only open during business hours?</p> <p>14 A. It obviously doesn't place a burden on people</p> <p>15 to go get a driver's license during the hours that DPS</p> <p>16 is open. Otherwise, if it did, we would hear enough</p> <p>17 public complaint and there would be some response to</p> <p>18 it. But people find a way, even though they work, to</p> <p>19 obviously go to DPS for whatever reason they may have</p> <p>20 to have, registration or license. So it's not a</p> <p>21 consideration, as I recall.</p> <p>22 MS. CONLEY: All right. We can take a</p> <p>23 quick break.</p> <p>24 (Break.)</p> <p>25 Q. (BY MS. CONLEY) If you would just take a look</p>	<p style="text-align: right;">239</p> <p>1 someone wanted to circumvent the law, that my</p> <p>2 amendment was not going to allow people to go out</p> <p>3 there and get 100,000 placards and give them to people</p> <p>4 so they didn't have to use a photo. I think that's</p> <p>5 what I was suggesting.</p> <p>6 Q. So even under your amendment, there would be</p> <p>7 people who were disabled who still might not be able</p> <p>8 to vote?</p> <p>9 A. No.</p> <p>10 Q. When you say "No large groups are going to</p> <p>11 try to take advantage of this exemption," you're</p> <p>12 saying that not a large group of disabled people are</p> <p>13 going to use that exemption --</p> <p>14 MS. DONNELLY: Objection.</p> <p>15 Mischaracterizes testimony.</p> <p>16 Q. (BY MS. CONLEY) -- correct?</p> <p>17 A. No, I don't think that's -- I don't think you</p> <p>18 understood me, or I'm not understanding you.</p> <p>19 Q. (BY MS. CONLEY) Okay. We can move on.</p> <p>20 In your last paragraph of the e-mail on page</p> <p>21 2, the last sentence is: "Let's not sacrifice a very</p> <p>22 good bill for perfect-especially if perfect for some</p> <p>23 gets us thrown out by the courts."</p> <p>24 And what did you -- what did you mean by this?</p> <p>25 A. This is commonplace for a Republican or a</p>
<p style="text-align: right;">238</p> <p>1 at the same document we've been looking at, the 258</p> <p>2 e-mail from you to Paul Bettencourt.</p> <p>3 A. All right.</p> <p>4 Q. And on the first page, in that third</p> <p>5 paragraph, you say: "For a disabled person to get an</p> <p>6 exemption from voting in person without a photo they</p> <p>7 must send in a letter from a doctor to the voting</p> <p>8 registrar and sign, subject to perjury, that they are</p> <p>9 disabled. No large groups are going to try to take</p> <p>10 advantage of this exemption."</p> <p>11 A. Right.</p> <p>12 Q. What did you mean by that last sentence?</p> <p>13 A. Pretty much what it said, that if there</p> <p>14 were -- if there -- if there was any group attempting</p> <p>15 to have people vote illegal, if there -- if there was,</p> <p>16 this would not be a loophole for them to use. I think</p> <p>17 that's what I meant by it, probably.</p> <p>18 Q. So when you said "No large groups are going</p> <p>19 to try to take advantage of this exemption" --</p> <p>20 A. Right.</p> <p>21 Q. -- were you -- were you pointing to that as a</p> <p>22 selling point?</p> <p>23 A. No, not necessarily. I was just -- I was</p> <p>24 just -- just -- it was really a reflection of this</p> <p>25 idea that 500,000 people had placards; and that if</p>	<p style="text-align: right;">240</p> <p>1 Democrat officeholder that very often Democrats will</p> <p>2 have constituents who don't think their bill is</p> <p>3 perfect in their view. So, heaven forbid, don't --</p> <p>4 don't let the Republicans pull this one over on you.</p> <p>5 And -- and Republicans, we have constituents</p> <p>6 who will often call up and say, "Don't let the</p> <p>7 Democrats pull this over on you; you need to do this,</p> <p>8 this, this, and this." It happens on a lot of</p> <p>9 legislation for all of us, in both parties.</p> <p>10 And so my point was, that there were people,</p> <p>11 apparently, who were contacting my office and all</p> <p>12 upset about we shouldn't have this amendment or</p> <p>13 placards, or whatever.</p> <p>14 And that was my point: Look, this is a good</p> <p>15 amendment, it was part of the Indiana bill, the courts</p> <p>16 upheld the Indiana bill, let's not sacrifice this</p> <p>17 important legislation because a -- you know, a handful</p> <p>18 of people don't think it's perfect.</p> <p>19 Q. Okay. But not because you didn't think it</p> <p>20 was perfect?</p> <p>21 MS. DONNELLY: Object to the form of the</p> <p>22 question.</p> <p>23 A. Give me a question.</p> <p>24 Q. (BY MS. CONLEY) Let me rephrase that. What I</p> <p>25 guess I want to know: For you, were you saying here</p>

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<p style="text-align: right;">241</p> <p>1 that the bill would have been perfect if it didn't</p> <p>2 include the disability amendment?</p> <p>3 A. No. No, I don't -- no. What I -- what I</p> <p>4 was -- what I was attempting to say -- maybe I didn't</p> <p>5 say it artfully. I thought it was a very good bill.</p> <p>6 But if we try to please every person in our</p> <p>7 constituency on every piece of legislation so that</p> <p>8 the -- in the eye of the beholder, that person gets</p> <p>9 the perfect bill, then we will never pass anything.</p> <p>10 And the Democrats have the same problems on</p> <p>11 their side. That's why Washington is in gridlock and</p> <p>12 why sometimes Austin's in gridlock.</p> <p>13 Q. And you referred to -- again, in your last</p> <p>14 answer, the Indiana law?</p> <p>15 A. Yeah.</p> <p>16 Q. And I think on the first page of this e-mail,</p> <p>17 you say: "Our bill is similar to the Indiana law that</p> <p>18 was approved by the courts."</p> <p>19 And so are you familiar with the photo ID law</p> <p>20 in Indiana?</p> <p>21 A. You know, I'm not today. I'm -- I'm -- I</p> <p>22 obviously was at some level in the past.</p> <p>23 Q. So at the time you wrote this e-mail you were</p> <p>24 familiar with the photo ID law in Indiana?</p> <p>25 A. Apparently, at some level.</p>	<p style="text-align: right;">243</p> <p>1 Q. So are you familiar with the valid forms of</p> <p>2 identification under the Indiana photo ID law?</p> <p>3 A. I'm not.</p> <p>4 Q. At the time that you wrote this e-mail, were</p> <p>5 you familiar with the valid forms of identification</p> <p>6 under the Indiana photo ID law?</p> <p>7 A. I may or may not have been. I don't recall.</p> <p>8 Q. Well, would it surprise you that student IDs</p> <p>9 from public universities and colleges are valid under</p> <p>10 Indiana's photo ID law?</p> <p>11 A. If that's what it -- I don't know if it would</p> <p>12 surprise me or not. If that's what the Indiana law</p> <p>13 is, then it is just different.</p> <p>14 And while we may try and style our bills,</p> <p>15 whatever subject it may be on, it doesn't mean we --</p> <p>16 we copy exactly what another state does. And very --</p> <p>17 you know, very often, people copy what we do in Texas</p> <p>18 and they may not copy it exactly. So if that's their</p> <p>19 law, that's their law.</p> <p>20 Q. So, but you did use -- you testified earlier</p> <p>21 that you did use the Indiana law as a model, of sorts,</p> <p>22 which is what gave you the idea for the disability</p> <p>23 amendment, right?</p> <p>24 MS. DONNELLY: Objection. Form.</p> <p>25 A. I'm not suggesting that I used it, because I</p>
<p style="text-align: right;">242</p> <p>1 Q. And did you think that it was important that</p> <p>2 SB 14 be similar to the photo ID law in Indiana?</p> <p>3 A. Well, when we write legislation, particularly</p> <p>4 on issues that we know are going to be litigated --</p> <p>5 and there's always a group of bills you know are going</p> <p>6 to be -- more than likely to be litigated; we surely</p> <p>7 knew this one probably would be -- that you do look at</p> <p>8 what other states do.</p> <p>9 And whether -- again, whether it's Democrat</p> <p>10 legislation or -- it's not a partisan thing. You look</p> <p>11 at what other states do and see what survived the</p> <p>12 courts, you know, and -- and so you use that. At</p> <p>13 least I do, personally.</p> <p>14 Whether I'm voting for a bill or supporting a</p> <p>15 bill or crafting a bill, you know, I do look at what</p> <p>16 other states have done and what the courts have said</p> <p>17 at some level to give me some level of confidence; if</p> <p>18 I do this, you know, it should -- it should pass</p> <p>19 muster; and if I do this, I'm going to put all this</p> <p>20 work in and it could likely be thrown out.</p> <p>21 Because, none of us want to put -- you know,</p> <p>22 to pass a bill -- forget the session. You're working</p> <p>23 on it months and sometimes years in advance. You</p> <p>24 don't want to pass a bill only to go to the courts and</p> <p>25 have it thrown out.</p>	<p style="text-align: right;">244</p> <p>1 didn't write the bill. But I think, in general -- and</p> <p>2 I can't speak for the true author of the bill, Senator</p> <p>3 Fraser. But I do believe, in general, maybe</p> <p>4 there -- maybe there was discussion on the Senate</p> <p>5 floor -- I mean, I just don't know -- that there was a</p> <p>6 sense of, this bill is crafted similar to the Indiana</p> <p>7 bill, is all I -- that's all I kind of recall.</p> <p>8 Q. (BY MS. CONLEY) Were you aware that any photo</p> <p>9 ID issued by the United States government is valid</p> <p>10 under Indiana's photo ID law?</p> <p>11 A. You know, I -- I'm trying to be polite. I</p> <p>12 have no knowledge of the Indiana, so we can save time</p> <p>13 if you want.</p> <p>14 Q. That was my question.</p> <p>15 A. Okay.</p> <p>16 Q. So thank you.</p> <p>17 A. Okay.</p> <p>18 Q. Finally, and I promise we can put this e-mail</p> <p>19 to rest --</p> <p>20 A. Okay. I'm good.</p> <p>21 Q. -- we can put this e-mail to rest after this</p> <p>22 last question.</p> <p>23 A. I'm fine.</p> <p>24 Q. You -- at the very end, the second to the</p> <p>25 last sentence, you note that this -- "Let's celebrate</p>

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<p style="text-align: right;">245</p> <p>1 a big victory one of the best photo voter ID bills in 2 the country..."</p> <p>3 And I'm just curious, what did you -- what 4 did you mean by that?</p> <p>5 A. Well, we had -- I think an original bill had 6 been attempted in 2007. We tried it in 2009, 2011. 7 It was important to our constituents. It was 8 important to all Texans. It was important to 9 everyone.</p> <p>10 And so anytime you work years on something 11 and you feel like you've accomplished it and -- so 12 it's just, you know, let's celebrate a victory and 13 let's -- you know, let's move on and let's not 14 complain, because it wasn't perfect in the eyes 15 of some.</p> <p>16 Q. But what makes it one of the -- you noted 17 that it was one of the best in the country. What do 18 you think made it one of the best photo ID bills in 19 the country?</p> <p>20 A. Well, I've worked on a lot of legislation 21 where it's taken me two or three -- I've only been 22 there four sessions, but it's taken me two or three 23 sessions to pass a bill. And usually, over time, the 24 bills get better because over time you just get 25 more -- very often, more knowledge, more input, more</p>	<p style="text-align: right;">247</p> <p>1 And I think we were thoughtful in the 2 deliberation of it and -- and I actually thought, and 3 I -- and I seem to recall Democrats saying at the time 4 that we had a very respectful 24- or 26-hour debate on 5 the floor. There was no acrimony. There was no -- it 6 was -- it was a very healthy, good discussion of the 7 issue and so that's, you know, what -- how I felt 8 about it.</p> <p>9 Q. So moving on very briefly to -- you and 10 Ms. Baldwin looked at some of the amendments, and I 11 believe that was Exhibit 5, the Senate Journal, and --</p> <p>12 A. That's it.</p> <p>13 Q. -- do you recall that an amendment was 14 offered that would have permitted the use of student 15 IDs containing a person's photograph as a permissible 16 ID for purposes of voting?</p> <p>17 A. I think we covered that earlier. Didn't we?</p> <p>18 Q. I'm not sure that we did.</p> <p>19 A. Okay. Well, then I don't know then. Maybe 20 we've just been talking about it.</p> <p>21 Q. Yeah. Maybe take a look at page 123. It's 22 Amendment 19.</p> <p>23 A. All right.</p> <p>24 Q. Does that refresh your recollection?</p> <p>25 A. Amendment -- which one was it?</p>
<p style="text-align: right;">246</p> <p>1 buy-in from people.</p> <p>2 And -- and so, you know, I think by the time 3 we got to 2011, based on, again, this -- I don't 4 remember all the details of Indiana, but maybe there 5 had been some court cases that had been resolved or 6 addressed from '07 to '11. I don't remember. But I 7 just -- I think by then we probably had a better bill 8 than we had before, and that happens -- happens often.</p> <p>9 And, you know, just because all the 10 Democrats -- we talked about voting along party lines 11 earlier. Just because all the Democrats voted against 12 it doesn't mean that -- you know, they may 13 have -- they may have thought that this bill's a 14 little bit better bill than before; because they've 15 worked, obviously, to try to improve it or amend it or 16 work with me. So I just think it was probably 17 a -- obviously they voted against it, but -- but --</p> <p>18 Q. And did you think it was better than other 19 photo ID bills in the country because it was more 20 restrictive?</p> <p>21 A. No. I just -- no. I just thought it was 22 a -- I thought it was a -- it was a well thought-out 23 bill at the end of the day and -- and I didn't think 24 it was -- I didn't think it was undue burden, as I've 25 said many times.</p>	<p style="text-align: right;">248</p> <p>1 Q. 19.</p> <p>2 A. You said page 119, but what page --</p> <p>3 Q. I said page 123.</p> <p>4 A. I'm sorry.</p> <p>5 Q. Sorry. Amendment 119.</p> <p>6 A. My mistake. Okay.</p> <p>7 Q. How did you vote on this amendment?</p> <p>8 A. Against it.</p> <p>9 Q. Okay. And why?</p> <p>10 A. I think that the belief was that this does 11 not meet the criteria of a document issued by the 12 state that would be something that would be as 13 foolproof as a driver's license or CHL or a military 14 document or passport.</p> <p>15 We have -- I think we have 36 public 16 universities in the state, countless private 17 universities, countless community colleges. And when 18 you go to vote, it would have been -- it could have 19 been very confusing for the election judge or the 20 person working -- the poll workers, to have a plethora 21 of all these IDs. It's pretty clear now, it's -- 22 people can identify all these other ones.</p> <p>23 Q. And, Senator, military IDs are a form of IDs 24 that are permissible under SB 14, right?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">249</p> <p>1 Q. Do you know how many different forms of</p> <p>2 military ID there are?</p> <p>3 A. I don't.</p> <p>4 Q. Do you know that there are several forms of</p> <p>5 military IDs?</p> <p>6 A. Well, I know there's several branches of the</p> <p>7 service and --</p> <p>8 Q. Right.</p> <p>9 A. But they're also government issued. I think</p> <p>10 there was also a belief that a student ID could be --</p> <p>11 again, you could come up with a student ID. It</p> <p>12 doesn't mean you live in the state. And there was</p> <p>13 some concern of, could someone -- and maybe even</p> <p>14 innocently, students voting incorrectly, so...</p> <p>15 Q. And you could vote with a passport, but that</p> <p>16 also doesn't show that you're a resident of the state,</p> <p>17 correct?</p> <p>18 A. But a passport is a government-issued</p> <p>19 document. And a student -- you could argue a state</p> <p>20 university is a government-related agency.</p> <p>21 We just made the decision that we didn't</p> <p>22 think that that was a document that -- that helped</p> <p>23 ensure the integrity of the ballot box. And we also</p> <p>24 believe that -- not all, of course -- but the vast</p> <p>25 majority of students in college have a driver's</p>	<p style="text-align: right;">251</p> <p>1 they are able-bodied people and they can go to DPS and</p> <p>2 get a free -- a free ID.</p> <p>3 Q. But you don't know now, and you didn't know</p> <p>4 then, the exact percentage of Texas students that</p> <p>5 lacked a driver's license; is that right?</p> <p>6 A. That is correct.</p> <p>7 Q. Okay. And you mentioned that you and your</p> <p>8 colleagues made the decision not to include student</p> <p>9 IDs, you know, in furtherance of protecting the</p> <p>10 integrity of the ballot box; is that right?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Okay. So at the time that SB 14 was being</p> <p>13 considered, were you aware of any facts or evidence</p> <p>14 that suggested that student IDs had been used for</p> <p>15 voting fraud in Texas?</p> <p>16 A. I don't recall. We had -- we had a lot of</p> <p>17 testimony, and I don't recall the various testimony on</p> <p>18 the various bills.</p> <p>19 Q. And do you recall whether there was any facts</p> <p>20 or evidence presented that suggested that student IDs</p> <p>21 had been used for voting fraud anywhere?</p> <p>22 A. I don't recall.</p> <p>23 Q. Sitting here today, are you aware of voter</p> <p>24 fraud committed anywhere with student IDs?</p> <p>25 A. I'm not aware today.</p>
<p style="text-align: right;">250</p> <p>1 license. Not all, but the vast majority.</p> <p>2 Q. So to that point, were there any studies</p> <p>3 conducted on the number of students that had a</p> <p>4 driver's license?</p> <p>5 A. There may have been or not. I don't know.</p> <p>6 Q. So was -- was the -- was the number of Texas</p> <p>7 students that had driver's licenses actually something</p> <p>8 you considered while considering this amendment?</p> <p>9 A. It was something that -- you know, that</p> <p>10 occurred to me, that not all students would have a</p> <p>11 driver's -- not all students would have a car. But</p> <p>12 the vast majority -- not all -- but the vast majority</p> <p>13 of college students over the age of 18 likely had a</p> <p>14 driver's license.</p> <p>15 Q. I guess my question for you is: Where are</p> <p>16 you getting that information? Is that just based on a</p> <p>17 general intuition?</p> <p>18 A. Yeah. I don't -- I don't -- there may have</p> <p>19 or may not have been. I don't know if there was any</p> <p>20 research on that. But if you were to ask me today --</p> <p>21 if you were to go out on the street and ask a thousand</p> <p>22 people, "Do you think the average student in college</p> <p>23 over the age of 18 has a driver's license?", I think</p> <p>24 most people would say, "Yeah, probably so." It</p> <p>25 doesn't mean all of them did. But if they didn't,</p>	<p style="text-align: right;">252</p> <p>1 Q. Prior to the enactment of SB 14, did you or</p> <p>2 any of your staff conduct any analysis on how many</p> <p>3 registered voters have used student IDs to vote in</p> <p>4 previous elections?</p> <p>5 A. No, not that I'm aware of. Not that I</p> <p>6 recall.</p> <p>7 Q. Did you or any of your staff perform any</p> <p>8 analysis on the effect of excluding student IDs on</p> <p>9 student voter turnout?</p> <p>10 A. No.</p> <p>11 Q. Do you recall any discussion about that at</p> <p>12 all, whether it would decrease student voter turnout?</p> <p>13 A. I don't recall much -- as I testified earlier</p> <p>14 today, I don't recall much of the discussions on, you</p> <p>15 know, this bill.</p> <p>16 Q. Are you aware of the racial makeup of the</p> <p>17 student population in Texas?</p> <p>18 A. Not specifically.</p> <p>19 Q. Sorry. College and university student</p> <p>20 population in Texas?</p> <p>21 A. Not specifically. You know, I believe it's a</p> <p>22 majority Anglo, but...</p> <p>23 Q. And did you or any of your staff conduct any</p> <p>24 analysis on the effect of excluding student IDs on</p> <p>25 registered student voters at historically black</p>

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<p style="text-align: right;">253</p> <p>1 colleges and universities in Texas?</p> <p>2 A. No.</p> <p>3 Q. Any studies on how many students at</p> <p>4 historically black colleges and universities may lack</p> <p>5 driver's licenses?</p> <p>6 A. No, not that I recall. And, again, I -- I</p> <p>7 want to go back to something I've said throughout the</p> <p>8 day: We are the canary in the cave, if you know what</p> <p>9 that analogy means? We're the first to get the</p> <p>10 complaints. I don't know of any college students --</p> <p>11 it doesn't mean they haven't -- that have contacted me</p> <p>12 complaining they were not able to vote.</p> <p>13 Q. Well, I'll represent to you that we represent</p> <p>14 a college student, so there's that. She's a plaintiff</p> <p>15 in this lawsuit.</p> <p>16 A. I understand that, but --</p> <p>17 Q. I understand that -- I understand that your</p> <p>18 testimony is that no one has contacted you personally.</p> <p>19 A. Right. And we have not quite a million</p> <p>20 students in the state. And if one person had a</p> <p>21 complaint, I mean, that's -- that would be a small</p> <p>22 percentage of people. It doesn't mean she's -- you</p> <p>23 know, that she or he doesn't have a right to file a</p> <p>24 complaint. I'm just saying I'm not aware of it.</p> <p>25 There hasn't been any outpouring of students saying,</p>	<p style="text-align: right;">255</p> <p>1 go back home soon, and I represent the Veasey/LULAC</p> <p>2 plaintiffs.</p> <p>3 A. Okay.</p> <p>4 Q. And I'm going to try to ask you questions</p> <p>5 that you haven't been asked before, if there are any.</p> <p>6 So, first, I've given you some documents, I</p> <p>7 think six documents. And to speed things up, I'm</p> <p>8 going to tell you what I think they are and you tell</p> <p>9 me if that's about right.</p> <p>10 A. Okay.</p> <p>11 Q. These are all documents that came from you or</p> <p>12 your office, I believe, and they basically reflect</p> <p>13 your activity in voter ID laws since the 2007 session,</p> <p>14 your strong support of those laws and your, I'll say,</p> <p>15 instrumental role in those laws.</p> <p>16 A. Okay.</p> <p>17 Q. Is that about right?</p> <p>18 A. I'd have to go through them and look. And in</p> <p>19 the saving of time --</p> <p>20 Q. Okay.</p> <p>21 A. -- it appears, in general, that you're right.</p> <p>22 But -- but specifically if I have a question,</p> <p>23 we can go to them.</p> <p>24 Q. Okay.</p> <p>25 A. Is that fair?</p>
<p style="text-align: right;">254</p> <p>1 "My goodness, I couldn't vote."</p> <p>2 Q. To you?</p> <p>3 A. To me. And to my knowledge, I haven't heard</p> <p>4 it from any Democratic senator and I haven't heard it</p> <p>5 from any Republican senator.</p> <p>6 Q. Do you know whether any alternatives at all</p> <p>7 were considered to banning -- let me rephrase my</p> <p>8 question.</p> <p>9 Do you know if there were any alternatives at</p> <p>10 all considered to an outright ban on students IDs? In</p> <p>11 other words, were alternatives such as maybe putting</p> <p>12 expiration dates on the student IDs or any other</p> <p>13 alternatives considered?</p> <p>14 A. I don't recall. I don't recall.</p> <p>15 MS. CONLEY: Thank you. Passing the</p> <p>16 witness.</p> <p>17 MS. DONNELLY: And we're still under</p> <p>18 seal, correct?</p> <p>19 MR. DERFNER: Right.</p> <p>20 (Patrick Exhibits 12, 12A-12E</p> <p>21 marked/introduced.)</p> <p>22 E X A M I N A T I O N</p> <p>23 BY MR. DERFNER:</p> <p>24 Q. Senator Patrick, my name is Armand Derfner.</p> <p>25 I live in Charleston, South Carolina, where I hope to</p>	<p style="text-align: right;">256</p> <p>1 Q. And in a couple situations you also -- it</p> <p>2 reflects that you also saw that the procedural rules</p> <p>3 might have stood in the way of passage, and you took a</p> <p>4 particular interest in objecting to or possibly making</p> <p>5 changes in some of those procedural rules, like the</p> <p>6 two-thirds rule.</p> <p>7 A. If the documents reflect that here, it would</p> <p>8 not have been directly about photo voter ID. It would</p> <p>9 have been my general belief that we should have 19</p> <p>10 required as opposed to 21, because that would be about</p> <p>11 60 percent of the Senate, which would mirror the</p> <p>12 cloture vote in the U.S. Senate, in which there were</p> <p>13 extensive writings, as I recall. Maybe not extensive.</p> <p>14 But, writings from our founding fathers, on</p> <p>15 why they did not require a two-thirds vote for all</p> <p>16 bills in Congress.</p> <p>17 So -- so it had nothing to do specifically</p> <p>18 with voter ID. It's just my belief that two-thirds is</p> <p>19 too high of a threshold to pass every bill.</p> <p>20 Q. Okay. Are you going to try to get rid of the</p> <p>21 two-thirds rule if you're elected lieutenant governor?</p> <p>22 A. As lieutenant governor I don't have the power</p> <p>23 to do that. It's a Senate rule. The senators vote,</p> <p>24 31 senators, and I would -- I'm very consistent that I</p> <p>25 believe it should be 19. And it doesn't make any</p>

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<p style="text-align: right;">257</p> <p>1 difference, and I've said this on the record many 2 times. If there were 20 Democrats and 11 Republicans, 3 I'd believe the same thing.</p> <p>4 Q. Let me turn your attention to the last of 5 those exhibits. I guess it would be 12E.</p> <p>6 A. Okay.</p> <p>7 Q. And that, I believe, refers to a town hall. 8 Was that a town hall about the voter ID bill in 2011?</p> <p>9 A. Let me see here. Let me see who this is from 10 and to.</p> <p>11 MR. CLAY: Can you give the Bates range 12 for the document you're looking at?</p> <p>13 MR. DERFNER: Yeah, that document would 14 be --</p> <p>15 THE WITNESS: 27.</p> <p>16 MR. CLAY: 27?</p> <p>17 MR. DERFNER: Yeah.</p> <p>18 THE WITNESS: Let me read this, Armand.</p> <p>19 MR. DERFNER: Sure thing.</p> <p>20 MR. CLAY: What is this one marked as?</p> <p>21 MR. DERFNER: That would be 12E.</p> <p>22 A. Okay. I'm ready for your question.</p> <p>23 Q. (BY MR. DERFNER) Okay. Tell me what that's 24 about. Was that a town hall meeting?</p> <p>25 A. It appears that Jared Woodfill, if I'm</p>	<p style="text-align: right;">259</p> <p>1 March 2nd, it says, "\$500 for the facility fee. I 2 hope to have 100-500. I stopped by your office in 3 Austin. It looks great. Donna gave me a tour. Keep 4 up the great work!" So I didn't --</p> <p>5 Q. Did you pay the \$500?</p> <p>6 A. I don't know if I did or didn't. It looks 7 like I said "I will pay..."</p> <p>8 Q. Oh, okay.</p> <p>9 A. Yeah. I'm assuming I was good for it, okay?</p> <p>10 Q. Okay. And March -- early March, that would 11 be -- you said it's after the Senate passed it, but 12 it's before the final passage of the bill, correct?</p> <p>13 A. Yeah, I'm not sure when it finally passed, 14 but I think that would be correct.</p> <p>15 Q. I'll say May 27th.</p> <p>16 A. Okay. Okay.</p> <p>17 Q. Okay. Thank you.</p> <p>18 Okay. Would you say the state has a general 19 policy of wanting to have voters be properly 20 identified when they vote?</p> <p>21 A. When you say "the state," who are you --</p> <p>22 Q. Texas.</p> <p>23 A. The citizens of Texas?</p> <p>24 Q. Well, or the state of Texas, through its laws 25 and policies.</p>
<p style="text-align: right;">258</p> <p>1 reading this correctly, asked me -- and he was the 2 chairman of the Harris County Republican Party at the 3 time. It appears he was having a town hall meeting on 4 the bill after it passed. This is March 4th -- after 5 it passed the Senate.</p> <p>6 Q. Oh.</p> <p>7 A. This is March 4th is the date here. He wrote 8 me on March 2nd. I responded March 4th. And it 9 looked like he wanted to have a town hall, basically, 10 to explain the bill, and wanted to know if I would 11 help; which, county chairmen, as you know, Republican 12 or Democrat, often ask legislators to kick in money to 13 help defray costs. That's what it appears to be.</p> <p>14 And I couldn't be there, of course, it 15 doesn't appear, because I was in session. So it looks 16 like when I said "If anyone asks," that would 17 represent, to me, that I didn't attend. I can't swear 18 that I didn't attend, but I don't -- apparently, I 19 didn't.</p> <p>20 And so -- and the explanation here, to him, 21 is to share basically what we've been talking about 22 for the last two or three hours on the -- again, the 23 two amendments that I was involved in.</p> <p>24 Q. Okay. And the \$500?</p> <p>25 A. It says in his e-mail, if you look down on</p>	<p style="text-align: right;">260</p> <p>1 A. I think, in general, the citizens of Texas 2 supported and wanted a photo voter ID to protect the 3 integrity of the ballot box.</p> <p>4 Q. But the law reflects a state policy, does it 5 not, of wanting voters to be identified; is that 6 correct?</p> <p>7 A. Well, we don't have a state policy.</p> <p>8 Q. Okay.</p> <p>9 A. We have legislation passed by the 10 representatives of the people.</p> <p>11 Q. Okay.</p> <p>12 A. So I would just rephrase it to say SB 14 13 reflected the will of the voters as expressed through 14 vote, through some members of legislature.</p> <p>15 Q. Okay. And is it the will of the voters as 16 expressed through various legislation also to 17 facilitate or enable eligible voters to vote in Texas?</p> <p>18 A. I'm not sure -- help me with that, Armand.</p> <p>19 Q. Okay. Is it also the policy of the state 20 or --</p> <p>21 A. The citizens.</p> <p>22 Q. -- or the citizens, that eligible voters 23 should be able to vote?</p> <p>24 A. Yes.</p> <p>25 Q. And that's facilitated through things like,</p>

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<p style="text-align: right;">261</p> <p>1 for example, putting polling places in neighborhoods 2 and things like that?</p> <p>3 A. The people of Texas want every Texan who's 4 eligible to vote and who registers to vote to have the 5 opportunity to vote.</p> <p>6 Q. Okay. Now, do those two policies, or 7 whatever you want to call them, the notion that every 8 Texan who's eligible should be able to vote and the 9 notion of identifying, can those sometimes be 10 intentioned, in the sense that if you make 11 identification stricter, it may make it harder to 12 vote; or if you make identification less strict, it 13 may make it easier to vote?</p> <p>14 A. If I'm understanding your question, I don't 15 think they're connected. And the reason I don't think 16 they're connected is, if you look at the turnout and 17 we have -- for example, some states do not have early 18 voting. We have early voting, which, at some point in 19 time before my being in office, was decided to help 20 more people have time to vote. It is not 21 necessarily -- improve the percentage of people 22 voting.</p> <p>23 So things that some people would view as 24 giving more opportunity, or some people would view as 25 less opportunities, is not necessarily reflecting</p>	<p style="text-align: right;">263</p> <p>1 just be doing your duty as -- for your job, 2 representing your client. You may not express your 3 personal beliefs.</p> <p>4 But for sake of argument, I think we -- we 5 may have a philosophical difference, in that I believe 6 if citizens want to vote, they will do what it takes 7 to vote; and if -- and if it's required to have a 8 photo ID, the vast majority, overwhelming majority, 9 already have the required document.</p> <p>10 But those who don't will find that document, 11 if they want to -- want to do what many people, you 12 know, consider for themselves is -- is very important, 13 and that's voting. So I don't see photo voter ID as 14 stringent.</p> <p>15 Q. I understand that. But you can have 16 different kinds of photo IDs, can't you? We've been 17 talking about that all day.</p> <p>18 A. Yes, sir.</p> <p>19 Q. And isn't it true that if you have a more 20 stringent photo ID, the voters who want to vote -- and 21 I agree that most voters want to vote -- will have to 22 go an extra step or will have to do more on their part 23 to actually vote?</p> <p>24 A. No. Because when Senate Bill 14 was 25 passed -- and I don't know the exact percentage; but,</p>
<p style="text-align: right;">262</p> <p>1 either more people registering to vote -- there's 2 still a lot of people who are eligible who don't 3 register to vote, they choose not to; and we have a 4 significant number of people who are registered to 5 vote, that don't vote. So I don't think you can 6 connect necessarily those dots.</p> <p>7 Q. Well, you may not be able to connect turnout 8 or participation, but isn't there a connection, using 9 the example you gave, between the -- I'll call it the 10 stringency and the opportunity?</p> <p>11 In other words, as you say, if -- if you 12 didn't have early voting, then people couldn't vote 13 early, correct?</p> <p>14 A. Correct. If you didn't have mail-in, they 15 couldn't mail in. We make it pretty easy to vote in 16 Texas.</p> <p>17 Q. If you have a more stringent photo ID law, 18 then that's going to make people have to make more of 19 an effort, will it not, to actually vote?</p> <p>20 MR. CLAY: Objection. Form.</p> <p>21 Q. (BY MR. DERFNER) Is that correct?</p> <p>22 A. Well, that's your characterization, and I -- 23 Q. Do you agree or disagree?</p> <p>24 A. Well, I -- well, you and I -- I'm not going 25 to assume we have a philosophical difference. You may</p>	<p style="text-align: right;">264</p> <p>1 based on some of the information that you have shared 2 with me today, or questions -- you must have access to 3 information that maybe 90 percent of the people, or 4 greater, already have what Senate Bill -- Senate Bill 5 14 required by law. And we didn't make it more 6 stringent, because we didn't have photo voter ID 7 before. This was new.</p> <p>8 So if a law is passed that 90 percent of the 9 people, or more, already qualify for -- and the other 10 percentage of people are able to get a free -- free 11 voter card, for lack of better term -- then I don't 12 think that's made it more stringent.</p> <p>13 Q. Well, what if -- what if 90 -- what 14 if -- okay.</p> <p>15 If 90 percent of the people have a driver's 16 license, just --</p> <p>17 A. Or military, or CHL, they have -- they 18 already qualify.</p> <p>19 Q. Okay. That means 10 percent -- and we're 20 using these hypothetically now.</p> <p>21 A. Hypothetical. Based on some numbers we 22 talked about a little earlier.</p> <p>23 Q. And 10 percent don't; that means 10 percent 24 are going to have to go get another card, correct?</p> <p>25 A. Not necessarily. Because of that 10 percent,</p>

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<p style="text-align: right;">265</p> <p>1 how many are senior citizens, 65-plus, that can vote</p> <p>2 by mail?</p> <p>3 Q. Okay.</p> <p>4 A. And secondly, how many of that 10 percent are</p> <p>5 registered -- who have ever registered to vote? We</p> <p>6 never talked about that. How many of those people --</p> <p>7 Q. No, we're talking about 10 percent of the</p> <p>8 registered voters.</p> <p>9 A. Okay. So if you're talking about of the</p> <p>10 registered voters, then there will be a small</p> <p>11 percentage that will have to get a photo voter ID.</p> <p>12 And in any legislation we pass, on almost any</p> <p>13 topic, there's always usually someone that has to do</p> <p>14 something that maybe they didn't do before.</p> <p>15 Q. Uh-huh. So if, for example, you were asked</p> <p>16 about college students, federal civil servants and</p> <p>17 state civil servants: If there's several percentage</p> <p>18 points of the people who don't have a driver's</p> <p>19 license, but have one of those cards, they wouldn't</p> <p>20 have to go do something else to qualify; is that</p> <p>21 right?</p> <p>22 A. Can you repeat that for me?</p> <p>23 Q. Okay. If you had some percentage of the</p> <p>24 people -- we've used the term 90 percent -- who have a</p> <p>25 driver's license or military ID, or are over 70 --</p>	<p style="text-align: right;">267</p> <p>1 A. No. I mean, I -- I -- I -- I don't believe</p> <p>2 it makes it more stringent to ask a person to get a</p> <p>3 photo ID to vote. I just don't -- you know, you can</p> <p>4 make that philosophical case, but I would disagree</p> <p>5 with you.</p> <p>6 Q. Okay.</p> <p>7 A. It's -- you know, there would be lots of</p> <p>8 comparisons. I'm sure I could think of a better one,</p> <p>9 Armand.</p> <p>10 Q. Okay.</p> <p>11 A. But once upon a time in the past there was a</p> <p>12 bill passed that said cars must be inspected on a</p> <p>13 regular basis. And I remember at the time, years ago,</p> <p>14 I was in the legislature, this hue and cry, "Well,</p> <p>15 what about people who can't afford to get their cars</p> <p>16 inspected or can't afford to get them repaired?" And,</p> <p>17 "Heaven forbid, if they don't pass inspection and they</p> <p>18 can't drive their car and they can't go to work."</p> <p>19 And it was this -- you know, there are</p> <p>20 certain public policy issues that the public supports</p> <p>21 that they want to see done. In this case they wanted</p> <p>22 safe cars and cleaner air. And so every time you pass</p> <p>23 some legislation, it's going to impact some people in</p> <p>24 some way that they have to do some things.</p> <p>25 Q. Okay. Now, we talked some about the Indiana</p>
<p style="text-align: right;">266</p> <p>1 A. Right.</p> <p>2 Q. -- et cetera, that leaves 10 percent of the</p> <p>3 people who will have to go do something to -- to</p> <p>4 qualify for the photo ID, correct?</p> <p>5 A. Maybe -- maybe not 10 percent. We don't know</p> <p>6 how many seniors. There's going to be a certain</p> <p>7 number of people who -- yes.</p> <p>8 Q. Right. And if you say, in addition, "Well,</p> <p>9 we're going to let federal civil servants, state civil</p> <p>10 servants, or student IDs count," that decreases the</p> <p>11 percentage or number of people who will have to go do</p> <p>12 something else to qualify, won't it?</p> <p>13 A. Under -- under your hypothetical, you would</p> <p>14 be correct.</p> <p>15 Q. Okay. So every time you make a choice in the</p> <p>16 photo ID law to include or exclude something, you're</p> <p>17 making it more stringent or less stringent? I'm not</p> <p>18 talking about whether it's a good idea or bad idea.</p> <p>19 A. Okay.</p> <p>20 Q. But every choice you make, makes it more</p> <p>21 stringent or less stringent; is that correct?</p> <p>22 MR. CLAY: Objection. Form.</p> <p>23 MS. DONNELLY: Join it.</p> <p>24 A. That's your characterization, not mine.</p> <p>25 Q. (BY MR. DERFNER) But is it?</p>	<p style="text-align: right;">268</p> <p>1 law. And we also talked -- I think you said earlier</p> <p>2 that you recognize -- and I don't want to go through</p> <p>3 all these, but we can if you want to -- you recognize</p> <p>4 that Senate Bill 362 allowed state and federal civil</p> <p>5 servants -- actually, I think what it said was any</p> <p>6 photo ID issued by the state or federal government or</p> <p>7 a political subdivision of the state would qualify.</p> <p>8 Do you remember that or do you want to go</p> <p>9 back through it?</p> <p>10 A. I will take you at your word that that's what</p> <p>11 was said. I don't recall it, but I'll take you at</p> <p>12 your word.</p> <p>13 Q. Okay. And the Indiana law, as we understand</p> <p>14 it -- in fact, here's -- if you want to look at it,</p> <p>15 here's the Indiana opinion with the little flag right</p> <p>16 next to it, if you want to look at it. It says the</p> <p>17 same thing.</p> <p>18 A. Okay.</p> <p>19 Q. And you had a number of e-mails that I'm not</p> <p>20 going to bother showing you, in which you referred to</p> <p>21 the Indiana case.</p> <p>22 And, you also said one of the things that's</p> <p>23 important to do is to have a bill that can stand up to</p> <p>24 a court challenge; is that right?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">269</p> <p>1 Q. Okay. If you had a bill that was like the</p> <p>2 Indiana case -- like the Indiana law, and the Indiana</p> <p>3 case came along and said, "The Indiana law is okay --</p> <p>4 the Supreme Court case came along."</p> <p>5 Okay? Why would you go away from that? Why</p> <p>6 would you make your bill look less like the Indiana</p> <p>7 law --</p> <p>8 MS. DONNELLY: Objection. Form.</p> <p>9 Q. (BY MR. DERFNER) -- from 3- -- from S 362 to</p> <p>10 SB 14?</p> <p>11 A. Well, first of all, if we had mirrored the</p> <p>12 Indiana law exactly, my guess is someone would have</p> <p>13 still filed suit and we'd still be sitting here.</p> <p>14 Q. Uh-huh.</p> <p>15 A. Secondly, I can't explain the thinking of all</p> <p>16 the members of the Senate who helped craft the bill,</p> <p>17 or the author of the bill, what his thinking was; and</p> <p>18 what various people offered certain amendments or</p> <p>19 decided they didn't want to do it the same as they had</p> <p>20 done 362.</p> <p>21 As I did testify earlier, some members change</p> <p>22 and -- so I don't know the reasons why the bill</p> <p>23 changed, you know, specifically. I really don't know</p> <p>24 the reasons. I can't recall.</p> <p>25 Q. Were you aware -- you, with Senate Bill 14 --</p>	<p style="text-align: right;">271</p> <p>1 Q. Yeah, I'll take it back. Thanks.</p> <p>2 What reason would there be -- or what reason</p> <p>3 would you have for -- for not -- not covering -- not</p> <p>4 letting state civil servants -- that is, people with</p> <p>5 photo IDs from state agencies -- not letting that be</p> <p>6 qualified under the photo ID voting law?</p> <p>7 A. You know, I can't remember at the time what</p> <p>8 my thoughts were on that, Armand.</p> <p>9 Q. Well, can you think of one now? What's a</p> <p>10 good reason?</p> <p>11 A. You know, to be very candid with you, if you</p> <p>12 were asking me today and we were voting on the bill, I</p> <p>13 would say, "Let me do some homework on it and study on</p> <p>14 it and get back to you with an answer. I don't want</p> <p>15 to give a quick response on why now, you know." For</p> <p>16 whatever reason, we made that decision then and -- as</p> <p>17 we voted for the bill.</p> <p>18 (Patrick Exhibit 13 marked/introduced.)</p> <p>19 Q. (BY MR. DERFNER) Okay. What this is, this is</p> <p>20 a piece of some interrogatory answers that the state</p> <p>21 gave. You know that in a lawsuit each side gets to</p> <p>22 ask questions and the other side's supposed to answer</p> <p>23 the questions.</p> <p>24 A. Right.</p> <p>25 Q. At a certain point we asked the state some</p>
<p style="text-align: right;">270</p> <p>1 that it was less like the Indiana law than Senate 362</p> <p>2 had been? Were you personally aware of that when you</p> <p>3 were voting on it?</p> <p>4 A. Yeah, I don't -- I don't recall. I don't</p> <p>5 recall that.</p> <p>6 Q. Do you remember asking about that?</p> <p>7 A. No.</p> <p>8 Q. Do you remember anybody saying, "This bill is</p> <p>9 less like the Indiana law"?</p> <p>10 A. I don't -- I mean, I really don't recall. I</p> <p>11 know that -- I know in all -- you know, when everyone</p> <p>12 says in due respect, it means it's not -- I'm trying</p> <p>13 to be as respectful. I know this is your issue and</p> <p>14 what all of you are working on.</p> <p>15 It's one of, as I've said before, thousands</p> <p>16 of votes, a thousand bills. And so if you ask me</p> <p>17 about 900 of those bills, I would probably have the</p> <p>18 same answers. I don't -- including my own bills.</p> <p>19 If you ask me about bills from last session,</p> <p>20 I would have many of the same answers. I don't recall</p> <p>21 the discussion or what went into it at the time.</p> <p>22 Q. Okay. I'm going to show you -- well, let me</p> <p>23 ask you this first --</p> <p>24 A. Do you want this back, the Indiana? Do you</p> <p>25 want the Indiana --</p>	<p style="text-align: right;">272</p> <p>1 questions, and this is a piece of a document that came</p> <p>2 back. As you'll see, it's the first three pages --</p> <p>3 first --</p> <p>4 A. Where do you want me to be?</p> <p>5 Q. I want you to go --</p> <p>6 A. Where do you want me to be?</p> <p>7 Q. I want you to go to page 70- --</p> <p>8 A. 6?</p> <p>9 Q. -- -6.</p> <p>10 A. Okay.</p> <p>11 Q. And what this is, the question was</p> <p>12 about -- actually, the question starts back a</p> <p>13 little -- starts on 75, which is -- in fact, let's</p> <p>14 start on 75. Near the top you see 28, which is the</p> <p>15 question. Why don't you read that out loud.</p> <p>16 A. I'm on page 75. You want me to read 28?</p> <p>17 Q. Yes.</p> <p>18 A. "Identify all Texas State and local public</p> <p>19 agencies and entities that issue or are authorized to</p> <p>20 issue photographic identification and state the</p> <p>21 eligibility requirements for obtaining a form of</p> <p>22 photographic identification from each such agency or</p> <p>23 entity."</p> <p>24 Q. Okay. Now let's turn over to page 76.</p> <p>25 A. All right.</p>

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<p style="text-align: right;">273</p> <p>1 Q. And look at Interrogatory 28a --</p> <p>2 A. Okay.</p> <p>3 Q. -- near the top of the page.</p> <p>4 A. Yes.</p> <p>5 Q. And so you won't get -- read that first part</p> <p>6 there. Read what it says in No. 28a.</p> <p>7 A. "The Texas Department of Public Safety issues</p> <p>8 the following forms of identification containing</p> <p>9 photographs:"</p> <p>10 Q. Okay. And it lists a number of things</p> <p>11 that -- that DPS does, right?</p> <p>12 A. Yes.</p> <p>13 Q. "The Department of Public..."; and then after</p> <p>14 that, what is the next sentence? "The agencies listed</p> <p>15 below," read that part.</p> <p>16 A. "Use DPS resources to issue security access</p> <p>17 cards to their employees."</p> <p>18 Q. Okay. So then you have several pages</p> <p>19 listed --</p> <p>20 A. Yes.</p> <p>21 Q. -- of states agencies that use DPS</p> <p>22 facilities --</p> <p>23 A. Right.</p> <p>24 Q. -- to issue their cards.</p> <p>25 A. Right.</p>	<p style="text-align: right;">275</p> <p>1 out as well as -- of the Capitol, the determination</p> <p>2 was made at some point in the discussions, obviously,</p> <p>3 that we wanted these documents. And obviously, there</p> <p>4 was a lot of thinking that went into that and</p> <p>5 reasoning that went into that. I don't recall what</p> <p>6 that was three years later.</p> <p>7 But this was the bill that was presented and</p> <p>8 this is the bill that passed. This was the bill that</p> <p>9 has not met with objection from the public; with the</p> <p>10 exception of, I guess, the one student who is suing</p> <p>11 us, and -- and this is -- this is the bill that people</p> <p>12 seem to be very happy with, so...</p> <p>13 You know, we wanted to look at -- for</p> <p>14 example, if you -- if you look at Arthur's card, for</p> <p>15 example, there's no expiration date. There's really</p> <p>16 not much information on here.</p> <p>17 It would be easy, if someone -- you know, a</p> <p>18 driver's license -- and that's one of the reasons they</p> <p>19 eventually put a cap on 60 days of expiration.</p> <p>20 You know, what do you do? I bet you have</p> <p>21 cards like this sitting in a drawer or a desk</p> <p>22 somewhere, and you do and you do, and we all do. And</p> <p>23 so when things -- or you change agencies. Every</p> <p>24 agency -- my card looks vastly different from this.</p> <p>25 I -- you know, I don't recall this</p>
<p style="text-align: right;">274</p> <p>1 Q. What's the logic of not letting that be a</p> <p>2 photo ID?</p> <p>3 MR. CLAY: Objection. Misrepresents the</p> <p>4 exhibit.</p> <p>5 MS. DONNELLY: Objection. Form.</p> <p>6 MR. CLAY: Can you reread the question,</p> <p>7 please.</p> <p>8 MR. DERFNER: Reread the question,</p> <p>9 please.</p> <p>10 THE REPORTER: "Okay. So then you have</p> <p>11 several pages listed of states agencies that use DPS</p> <p>12 facilities to issue their cards."</p> <p>13 "What's the logic of not letting that be</p> <p>14 a photo ID?"</p> <p>15 MR. D'ANDREA: Do you mind if I show the</p> <p>16 witness my state-issued government ID and my driver's</p> <p>17 license? It will maybe help him make some policy</p> <p>18 choices here on the fly.</p> <p>19 MR. CLAY: I also just want to make a</p> <p>20 point, for the record, that what this actually says</p> <p>21 is: "The agencies listed below use DPS resources,"</p> <p>22 not facilities.</p> <p>23 MR. DERFNER: Okay.</p> <p>24 A. Well, even before I saw this, because I have</p> <p>25 my -- you know, my own card, photo card, to get in and</p>	<p style="text-align: right;">276</p> <p>1 conversation, but I think a reasonable person would</p> <p>2 say that you don't want the line to be forever when</p> <p>3 you're voting.</p> <p>4 You talk about opportunity to vote. One</p> <p>5 thing that will keep people away from voting is when</p> <p>6 they show up to vote and the line is out the door.</p> <p>7 That sometimes occurs on the last day of voting or on</p> <p>8 a -- on a very heavy election.</p> <p>9 If -- if the volunteer -- well, they're paid</p> <p>10 very little money -- election judge and precinct poll</p> <p>11 worker has to go through 50 and 60 different IDs that</p> <p>12 are brought to them, well, is this good, is this not</p> <p>13 good, what is this one, they -- you know, it could</p> <p>14 lead to confusion and delay.</p> <p>15 And so we simplified it to documents which</p> <p>16 most Texans have, or have available to them, one of</p> <p>17 several documents. And if they don't, they can get a</p> <p>18 free one without, you know, inconvenience.</p> <p>19 Q. (BY MR. DERFNER) So when you had these</p> <p>20 choices --</p> <p>21 A. Right.</p> <p>22 Q. -- you made this choice at least on the more</p> <p>23 stringent side, didn't you?</p> <p>24 MS. DONNELLY: Objection. Form.</p> <p>25 A. Armand, you keep using that word "stringent"</p>

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<p style="text-align: right;">277</p> <p>1 and you're --</p> <p>2 Q. (BY MR. DERFNER) It is.</p> <p>3 A. No, it's not stringent.</p> <p>4 Q. Okay. Is it not more stringent to allow</p> <p>5 fewer cards instead of more cards?</p> <p>6 A. No.</p> <p>7 MS. DONNELLY: Objection. Form.</p> <p>8 Q. (BY MR. DERFNER) Okay. Why not?</p> <p>9 A. I don't think it's -- it's stringent to say</p> <p>10 more or less. Example: If you allowed every card</p> <p>11 that you suggest in here, it might make voting, to use</p> <p>12 your word, "more stringent," because it's going to</p> <p>13 slow the process down dramatically and make the lines</p> <p>14 much longer and discourage people from wanting to</p> <p>15 vote.</p> <p>16 I could see -- because sometimes people will</p> <p>17 sue no matter what someone does, as you know. I could</p> <p>18 see someone coming and bringing a suit, "You know</p> <p>19 what, you've allowed people to use 70 or 80 different</p> <p>20 forms of ID; and you know what, that's made the lines</p> <p>21 very long and I can't get home before the polls close</p> <p>22 in time to get in line and I'm just not voting.</p> <p>23 There's always going to be someone to take</p> <p>24 issue, no matter what Democrats or Republicans do,</p> <p>25 when trying to represent the public. And we decided</p>	<p style="text-align: right;">279</p> <p>1 A. You'll know. I don't know what time your</p> <p>2 plane is, but...</p> <p>3 Q. Well, the problem -- no, no.</p> <p>4 A lot more people may not have licenses that</p> <p>5 are out on the road anyway?</p> <p>6 A. Well, and some people go to vote who -- who</p> <p>7 don't have -- you know, aren't registered.</p> <p>8 Q. You haven't ever actually -- you don't ever</p> <p>9 actually -- you don't know, yourself, of any report</p> <p>10 that you've ever gotten that somebody did that, have</p> <p>11 you?</p> <p>12 A. Well, I was asked the question earlier today,</p> <p>13 did I -- I don't know if the question was personal</p> <p>14 knowledge, but I took it as do I personally know.</p> <p>15 Q. Yeah.</p> <p>16 A. But we had testimony on -- on the bills over</p> <p>17 the various sessions of people voting who shouldn't be</p> <p>18 voting.</p> <p>19 Q. Impersonators, or something else?</p> <p>20 A. I can't remember specifically what it was,</p> <p>21 but people getting -- I believe there was testimony of</p> <p>22 voter registration cards, you know, where people were</p> <p>23 deceased. People who didn't have the proper -- they</p> <p>24 weren't -- you know, some people -- there was a lot of</p> <p>25 testimony. I don't want to go into specifics because</p>
<p style="text-align: right;">278</p> <p>1 on these identification cards, we felt, was the right</p> <p>2 thing to do and we passed the bill.</p> <p>3 Q. Do you remember anything that was ever said</p> <p>4 while the legislation was being considered? Not</p> <p>5 counting specific communications from other</p> <p>6 legislators, private communications.</p> <p>7 But anything that was either said on the</p> <p>8 public record or at any other time, that explained why</p> <p>9 state civil servants shouldn't -- that their cards</p> <p>10 shouldn't be covered?</p> <p>11 A. If it's on the public record, then it would</p> <p>12 be there and speak for itself. I don't recall, and I</p> <p>13 don't recall --</p> <p>14 Q. How about federal civil servants?</p> <p>15 A. Again, I've tried to be very candid. My</p> <p>16 answer is to answer all the questions I can all day</p> <p>17 long. I just don't recollect those. It's a long time</p> <p>18 ago and many votes ago.</p> <p>19 Q. We've talked -- you've used the phrase, "the</p> <p>20 vast" -- I think the phrase you used was "the vast</p> <p>21 majority of people have driver's licenses," right?</p> <p>22 A. Yes. If you've seen our traffic, you know</p> <p>23 I'm correct.</p> <p>24 Q. If I try to get to the airport, I'll sure</p> <p>25 know that.</p>	<p style="text-align: right;">280</p> <p>1 I may be wrong, but there was testimony on fraudulent</p> <p>2 voting. And some people in the state -- I believe the</p> <p>3 Attorney General's Office, I stand to be corrected --</p> <p>4 has actually prosecuted some people for fraudulently</p> <p>5 voting.</p> <p>6 Q. Do you know how many?</p> <p>7 A. I don't.</p> <p>8 Q. Okay. Would it surprise you to know that it</p> <p>9 was approximately two?</p> <p>10 A. I don't know the number.</p> <p>11 Q. Okay. Do you know how many people, or did</p> <p>12 you ever know how many people, registered voters,</p> <p>13 don't have driver's licenses?</p> <p>14 A. No.</p> <p>15 Q. Okay. Would it surprise you -- let me put it</p> <p>16 this way. I don't want to -- I don't want to</p> <p>17 misrepresent anything.</p> <p>18 A. Okay.</p> <p>19 Q. In the Department of Justice's letter</p> <p>20 responding to the Section 5 submission, the department</p> <p>21 reported that DPS had sent data indicating that,</p> <p>22 depending on which data set was used, the number of</p> <p>23 people -- registered voters who did not have driver's</p> <p>24 licenses, was either 605,000 or 795,000.</p> <p>25 Would that number -- do those numbers</p>

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<p style="text-align: right;">281</p> <p>1 surprise you?</p> <p>2 A. No. I mean, I don't -- I don't -- I don't</p> <p>3 want to say no. Let me correct my answer. Those</p> <p>4 numbers don't mean anything to me because I don't have</p> <p>5 the rest of the data.</p> <p>6 Q. Okay. Well, suppose 795,000 registered</p> <p>7 voters didn't have driver's licenses. Is that a</p> <p>8 problem for you?</p> <p>9 A. They may have a military ID.</p> <p>10 Q. Uh-huh.</p> <p>11 A. They may have a passport. They might have a</p> <p>12 CHL. Or, I can only guess, I shouldn't, is a large</p> <p>13 number, maybe half, maybe more, are over 65 and they</p> <p>14 aren't driving anymore and they don't need a driver's</p> <p>15 license to vote because they vote by mail.</p> <p>16 We -- as you well know, Democrats and</p> <p>17 Republicans, a large percentage of our voters are</p> <p>18 senior citizens. So the reason the 600,000 or 700,000</p> <p>19 doesn't surprise me, or concern me, is because if you</p> <p>20 really drill down into the data, it might be that 4 to</p> <p>21 500,000 of those people either aren't required to have</p> <p>22 it, don't care to have it or have other photo ID.</p> <p>23 Q. But you didn't know the number, right?</p> <p>24 MS. DONNELLY: Right. He's accepting</p> <p>25 your premise.</p>	<p style="text-align: right;">283</p> <p>1 Someone could have, but I don't remember. I don't</p> <p>2 remember.</p> <p>3 Q. Okay. Let's -- you've talked about -- we --</p> <p>4 we'll call it the free -- the free ID or the EIC.</p> <p>5 A. Yes.</p> <p>6 Q. Okay?</p> <p>7 A. What does EIC stand for, election --</p> <p>8 Q. Election --</p> <p>9 A. -- something certificate?</p> <p>10 Q. -- identification certificate.</p> <p>11 MS. CONLEY: I'm sorry, I messed that up</p> <p>12 for everybody.</p> <p>13 THE WITNESS: No, no, no, no. No, no,</p> <p>14 no, no. Election identification certificate. I got</p> <p>15 it.</p> <p>16 MS. CONLEY: Yes.</p> <p>17 Q. (BY MR. DERFNER) Okay. Who decides what you</p> <p>18 have to do to get that?</p> <p>19 A. What do you mean by that?</p> <p>20 Q. Well -- okay. Rather than asking you the</p> <p>21 question, I'm going to show you --</p> <p>22 A. Okay.</p> <p>23 (Patrick Exhibit 14 marked/introduced.)</p> <p>24 Q. (BY MR. DERFNER) This is SB 14.</p> <p>25 A. Okay.</p>
<p style="text-align: right;">282</p> <p>1 A. Yeah, I'm accepting your premise.</p> <p>2 Q. (BY MR. DERFNER) No, no. But you never knew</p> <p>3 what the number was in the debate, right?</p> <p>4 A. I don't recall if that was part of it or not.</p> <p>5 Q. Do you know if anybody ever said what the</p> <p>6 number was or asked for it?</p> <p>7 A. I don't -- you know, I don't know. I mean, I</p> <p>8 really don't know. I would expect if someone knew the</p> <p>9 number, maybe a Democrat would have brought it up, if</p> <p>10 not a Republican, but I don't know. You'd have to go</p> <p>11 back and look at the record.</p> <p>12 Q. Okay. Why wouldn't somebody have asked DPS</p> <p>13 for the number?</p> <p>14 MS. DONNELLY: Objection. Speculation.</p> <p>15 A. You'd have to ask 30 other senators.</p> <p>16 Q. (BY MR. DERFNER) Well, what about you?</p> <p>17 A. It -- I don't know why I didn't make that</p> <p>18 request. It wasn't -- again, I was not the main</p> <p>19 author of the bill and -- you know, I don't know why I</p> <p>20 wouldn't have asked. Maybe I -- maybe I assumed a</p> <p>21 Democrat would ask and they would try to make that --</p> <p>22 I don't know. I mean --</p> <p>23 Q. You don't remember anybody ever telling you</p> <p>24 that they knew a number, right?</p> <p>25 A. I -- you know, I honestly don't recall.</p>	<p style="text-align: right;">284</p> <p>1 Q. And I want you to turn to -- up in the upper</p> <p>2 right-hand corner, it's page 11 of 11. Actually,</p> <p>3 below that it says page 10.</p> <p>4 A. Okay. I see that.</p> <p>5 Q. Actually, this is -- I'll just tell you, if</p> <p>6 you start on the previous page, it's Section 20 of</p> <p>7 SB 14, which deals with the famous EIC and it has a</p> <p>8 bunch of provisions. You're free to read those if you</p> <p>9 like.</p> <p>10 A. Where is Section 20?</p> <p>11 Q. Section 20 is in the middle of page -- the</p> <p>12 previous page.</p> <p>13 A. Oh, I see. Okay. I missed it. I got it.</p> <p>14 Q. Okay. So that tells you -- that creates the</p> <p>15 EIC, which didn't exist before this bill.</p> <p>16 A. Right.</p> <p>17 Q. Okay. And then it has a number of things</p> <p>18 about what -- who you have to be and all that sort of</p> <p>19 thing. And then it says -- if you turn the page, on</p> <p>20 Section (f) -- read Section (f) to me.</p> <p>21 A. "The department may require each applicant</p> <p>22 for an original or renewal election identification</p> <p>23 certificate to furnish to the department the</p> <p>24 information required by Section 521.142.</p> <p>25 Q. Okay. And I'm not trying to make a lawyer</p>

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<p style="text-align: right;">285</p> <p>1 out of you, although you probably could do it --</p> <p>2 A. I feel like after 16,000 votes I ought to get</p> <p>3 some credit for some law school.</p> <p>4 Q. Let me show you the next document.</p> <p>5 A. Do you want me to, say, dog-ear this page and</p> <p>6 stay there if you'd like to come back to that?</p> <p>7 Q. Yeah.</p> <p>8 A. Okay.</p> <p>9 (Patrick Exhibit 15 marked/introduced.)</p> <p>10 (Discussion off the record.)</p> <p>11 Q. (BY MR. DERFNER) Okay. This is, and I'll</p> <p>12 tell you this, this is a section of the code called</p> <p>13 Transportation Code 521.142.</p> <p>14 A. Okay.</p> <p>15 Q. You remember the section you just read,</p> <p>16 said -- I'll paraphrase: The department can ask for</p> <p>17 any information required by 521.142.</p> <p>18 A. All right.</p> <p>19 Q. So here's 521.142, and there's a bunch of</p> <p>20 things in here, including -- let's see. Where is it?</p> <p>21 If you turn to page -- the second page, look at (e).</p> <p>22 I guess it's --</p> <p>23 A. I see it. "The application must include"?</p> <p>24 Q. Yeah. Read it out loud.</p> <p>25 A. "The application must include any other</p>	<p style="text-align: right;">287</p> <p>1 So -- so the department can make</p> <p>2 it -- doesn't it look like the department can make it</p> <p>3 as tough or as easy as it likes to get an EIC?</p> <p>4 A. You know, again, since I can't -- I really</p> <p>5 can't answer your question. I really can't, to be</p> <p>6 honest.</p> <p>7 (Patrick Exhibits 16 and 17</p> <p>8 marked/introduced.)</p> <p>9 Q. (BY MR. DERFNER) So you were talking about</p> <p>10 rule-making. So 16 is some rules that DPS came up</p> <p>11 with, and if you look at 17 on the first page under --</p> <p>12 I guess number (3). Do you see number -- I don't know</p> <p>13 if it's --</p> <p>14 A. Where is (3)?</p> <p>15 Q. Right about there.</p> <p>16 A. Oh, this is on page 8 of 8.</p> <p>17 Q. Yeah.</p> <p>18 A. Okay. You didn't tell me that.</p> <p>19 Q. Okay. Read Number (3).</p> <p>20 A. "the fingerprints of the applicant; this does</p> <p>21 not apply to an applicant who is permitted and</p> <p>22 utilizes an alternative method for renewing or</p> <p>23 duplicating an election identification certificate;"</p> <p>24 Q. Would it surprise you to learn that DPS, at</p> <p>25 least for a while, was making applicants who wanted to</p>
<p style="text-align: right;">286</p> <p>1 information the department requires to determine the</p> <p>2 applicant's identity, residency, competency, and</p> <p>3 eligibility as required by the department or state</p> <p>4 law."</p> <p>5 Q. So who does -- if you read those two</p> <p>6 together, who decides what you need to do to get an</p> <p>7 EIC? Is it the legislature that decided that or is it</p> <p>8 DPS?</p> <p>9 A. I'd have to study this a little bit and get</p> <p>10 back to you in the morning.</p> <p>11 Let me see if I can answer your question</p> <p>12 here. "The department may require..." Well, it would</p> <p>13 appear, stand to be corrected, it would appear since</p> <p>14 we have a "may" instead of a "shall," number one, the</p> <p>15 department makes the final decision. So that would</p> <p>16 appear, the department.</p> <p>17 Number two, very often we pass legislation</p> <p>18 and a lot of it is in the rule-making process by a</p> <p>19 various agency. So I'd have to go back and do a</p> <p>20 little bit more homework on this and drill down to</p> <p>21 this. But it would appear it could be the department,</p> <p>22 especially since we have a "may" instead of a "shall."</p> <p>23 Q. Okay.</p> <p>24 A. But I'm not positive.</p> <p>25 Q. I understand. I understand. Okay.</p>	<p style="text-align: right;">288</p> <p>1 vote with an EIC give them their fingerprints?</p> <p>2 A. No.</p> <p>3 Q. Do you think that's something they ought to</p> <p>4 be able to do?</p> <p>5 A. I stand to be corrected, but I believe when</p> <p>6 you get your driver's license, we give a fingerprint.</p> <p>7 When you get a CHL, you get a fingerprint. And when</p> <p>8 you're in the military, you get a fingerprint.</p> <p>9 So -- so for some other documents that we</p> <p>10 already require -- and, again, I have to stand</p> <p>11 corrected on the driver's license, but I know to get a</p> <p>12 CHL you have to submit fingerprints.</p> <p>13 Q. Do you think it's appropriate to make</p> <p>14 somebody get fingerprinted in order to be able to</p> <p>15 vote?</p> <p>16 A. You could back that down and say, "Is it</p> <p>17 appropriate to make someone give a fingerprint to get</p> <p>18 a driver's license?" We're trying to establish to be</p> <p>19 sure that we have integrity at the ballot box.</p> <p>20 Q. Are you aware, since you're getting your</p> <p>21 legal education here, that the Supreme Court has said</p> <p>22 that voting has elements of the First Amendment in it,</p> <p>23 that a voter's rights are First Amendment interests?</p> <p>24 MS. DONNELLY: Objection. Form.</p> <p>25 A. I'll let the courts decide what the courts</p>

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<p style="text-align: right;">289</p> <p>1 decide. I just write and pass legislation and vote 2 for legislation. 3 Q. (BY MR. DERFNER) Do you not see a difference 4 between the rights of a respective voter and the 5 rights of a respective driver? 6 A. As an individual -- as an individual, yes, I 7 understand and can philosophically see the 8 differences. 9 Q. Why did you tell DPS to make the rules for 10 voters in this case? 11 MS. DONNELLY: Objection. 12 Q. (BY MR. DERFNER) Are they the right agency? 13 MS. DONNELLY: Objection. Form. 14 A. I didn't tell anyone to -- 15 Q. (BY MR. DERFNER) Well, you put it in the 16 statute. 17 A. I have to go back and see exactly what 18 was -- 19 Q. Okay. 20 MR. DERFNER: Which number is that, 21 SB 14? 22 THE REPORTER: Now, that one, I don't 23 know. 24 MR. DYER: That's 14, I think, the bill. 25 MS. DONNELLY: Yeah, 14.</p>	<p style="text-align: right;">291</p> <p>1 MS. DONNELLY: Objection. 2 Argumentative. 3 Q. (BY MR. DERFNER) Okay. Then let me ask it a 4 little bit differently. Does DPS seem like the right 5 agency to put this awesome responsibility on? 6 MS. DONNELLY: Objection. 7 Argumentative. 8 MR. DERFNER: Is it still argumentative? 9 Suppose I take out "awesome." 10 A. You know, Armand, I've never thought it. I'd 11 have to think about it. 12 Q. (BY MR. DERFNER) Well, shouldn't you have 13 thought about it before you passed the bill? 14 A. I might have. I don't recall. 15 Q. Okay. Do you know if anybody said anything 16 about whether it should be DPS that has this 17 responsibility? 18 A. I do not recall. 19 Q. Okay. Do you know, by the way -- never mind. 20 Okay. Let's see. 21 MS. DONNELLY: Armand, We've been going 22 for over an hour. 23 MR. DERFNER: I'm almost done. We 24 probably can finish this in just a few minutes. 25 Do you want to take a short break? I'm</p>
<p style="text-align: right;">290</p> <p>1 Q. (BY MR. DERFNER) You gave DPS the 2 responsibility for the EIC, didn't you? 3 A. We -- in legislation that we pass all the 4 time, whether it's education, we have the TEA, whether 5 it's health and human services and it's child 6 protective, whether it's transportation and TxDOT, we 7 often give agencies rule-making power. 8 Q. But you usually give the right agency the 9 power, don't you? 10 MR. CLAY: Objection. Form. 11 MS. DONNELLY: Objection. Form. 12 MR. CLAY: Argumentative. 13 Q. (BY MR. DERFNER) I mean, you wouldn't give -- 14 you wouldn't give the agriculture department the 15 decision-making power over an education, or other 16 situation, wouldn't you, or health? 17 A. If it was -- 18 MR. CLAY: Objection. Form. 19 A. -- dealing with the FFA case, you might. I 20 understand your point. I'm not trying to be flippant. 21 Q. (BY MR. DERFNER) So why did you give -- why 22 did you give this critical voting matter to DPS, 23 especially when other issues under the voter ID law do 24 go to the Secretary of State and the election 25 division?</p>	<p style="text-align: right;">292</p> <p>1 almost done. Let's take a short break and we can 2 finish it -- wrap it up right after that. 3 MS. DONNELLY: That will give you a 4 chance to get your question. 5 THE WITNESS: Okay. Let's keep it a 6 tight 5 and real short. 7 (Break.) 8 (Patrick Exhibit 18 marked/introduced.) 9 Q. (BY MR. DERFNER) Okay. I've handed you a 10 document, which is -- as far as I can tell, it's 11 a -- it's off a website, a DPS website, and it talks 12 about the EIC, what you have to do to get one, et 13 cetera. 14 A. All right. 15 Q. Are you familiar with this at all? 16 A. No, I have not looked at it -- 17 Q. Okay. 18 A. -- until now. 19 Q. Look through it a little bit. 20 A. I did. I've looked through it. 21 Q. And you see it incorporates the various 22 requirements that -- that are in the EIC, including 23 documentation of citizenship, et cetera, correct? 24 A. Yes, sir. 25 Q. So are these things that the legislature</p>

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<p style="text-align: right;">293</p> <p>1 intended to require for people getting this EIC that</p> <p>2 the legislature had created?</p> <p>3 A. I don't recall.</p> <p>4 Q. Did the legislature have any idea of what it</p> <p>5 wanted to require?</p> <p>6 A. I don't recall.</p> <p>7 Q. Okay. Do you remember anything -- well, I</p> <p>8 guess you've said you don't recall.</p> <p>9 A. Yeah, I really don't.</p> <p>10 Q. If somebody can't meet these requirements,</p> <p>11 are they able to vote?</p> <p>12 A. All people can go vote and cast a provisional</p> <p>13 ballot.</p> <p>14 Q. Okay.</p> <p>15 A. I'd have to -- Armand, I'd have to look at</p> <p>16 this and study it a little bit. I'm seeing it for the</p> <p>17 first time.</p> <p>18 Q. Well, let me clarify your answer about the</p> <p>19 provisional ballot. Casting a provisional ballot,</p> <p>20 what does it take to get it counted?</p> <p>21 A. I believe the law -- and I stand to be</p> <p>22 corrected -- today, is within six days or seven days,</p> <p>23 one of the two, you have to bring back a photo</p> <p>24 document showing that you're the person who voted.</p> <p>25 Q. So when you say anybody can cast a</p>	<p style="text-align: right;">295</p> <p>1 the county, so I can't vote in city elections.</p> <p>2 Q. So let's suppose you are a registered voter,</p> <p>3 a proper resident of the precinct you want to vote</p> <p>4 in -- not a felon, not disqualified for any other</p> <p>5 reason -- so you're properly registered to vote; but,</p> <p>6 you don't have one of the photo IDs listed in SB 14</p> <p>7 and you can't meet these or you don't meet these</p> <p>8 requirements for an EIC. Can you vote? And not</p> <p>9 absentee. Can you vote in person?</p> <p>10 A. You could vote in person a provisional ballot</p> <p>11 and then you -- the vote -- you would have to come</p> <p>12 back and prove up -- yes, if you don't have the</p> <p>13 document, it's -- you know, again, I go back to all</p> <p>14 the examples of photo ID.</p> <p>15 Even if it's my child, my grandchildren now,</p> <p>16 if I want to pick up at school, most schools require</p> <p>17 you show an ID to go pick up your child from school to</p> <p>18 take them to the doctor. There are rules and...</p> <p>19 Yes, so under the rules that have been set</p> <p>20 forth by SB 14, you have to be eligible, you have to</p> <p>21 be registered, and you have to have a photo ID to vote</p> <p>22 in person.</p> <p>23 Q. Okay. By the way, let me just clarify one</p> <p>24 thing on an earlier topic --</p> <p>25 A. Yes.</p>
<p style="text-align: right;">294</p> <p>1 provisional ballot, all you're saying, I take it, is</p> <p>2 that it gives you more time, but you still need to get</p> <p>3 the photo ID, right? It just gives you six extra</p> <p>4 days, in a sense?</p> <p>5 A. Correct.</p> <p>6 Q. So if you can't meet the requirements for an</p> <p>7 EIC and you don't already have one of the other</p> <p>8 things, like a driver's license or the military --</p> <p>9 A. Right.</p> <p>10 Q. -- then can you vote?</p> <p>11 MR. CLAY: Objection. It's vague.</p> <p>12 A. Would you repeat that? Do you mind?</p> <p>13 MR. DERFNER: Denise.</p> <p>14 THE REPORTER: "So if you can't meet the</p> <p>15 requirements for an EIC and you don't already have one</p> <p>16 of the other things, like a driver's license or the</p> <p>17 military, then can you vote?"</p> <p>18 A. Well, my answer would be the -- the same</p> <p>19 would apply. If you can't meet the requirements of</p> <p>20 being registered to vote, you can't vote.</p> <p>21 Q. (BY MR. DERFNER) Okay.</p> <p>22 A. If you -- if you can't meet the requirements</p> <p>23 of eligibility -- for example, resident of Texas or in</p> <p>24 certain elections resident of a city -- you can't</p> <p>25 vote. So there are requirements. You know, I live in</p>	<p style="text-align: right;">296</p> <p>1 Q. -- about voting absentee -- or voting by</p> <p>2 mail.</p> <p>3 A. Yes.</p> <p>4 Q. People who vote by mail don't have to go</p> <p>5 through this, right? Don't have to come up with a</p> <p>6 photo ID?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. But if you were told you're not</p> <p>9 allowed to vote in person, but you can only vote by</p> <p>10 mail, would you be losing something?</p> <p>11 MR. CLAY: Objection. Form.</p> <p>12 A. I'm not sure I understand.</p> <p>13 Q. (BY MR. DERFNER) Would you feel that was some</p> <p>14 kind of a disadvantage to you?</p> <p>15 A. I'll be happy when I'm 65 and can vote by</p> <p>16 mail.</p> <p>17 Q. That wasn't my question.</p> <p>18 A. I know. No. I mean, I don't personally.</p> <p>19 Again, we -- you know, we've had a pretty good day. I</p> <p>20 think it's been -- it's been --</p> <p>21 Q. Getting better by the minute.</p> <p>22 A. Getting better by the minute. We just have a</p> <p>23 philosophical belief here. I just -- I, along with</p> <p>24 millions of Texans, just don't believe that requiring</p> <p>25 a photo to vote, a sacred -- many people consider it</p>

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<p style="text-align: right;">297</p> <p>1 very important, the integrity of the ballot box. It</p> <p>2 decides who our President and our Congress and</p> <p>3 senators and local officials are.</p> <p>4 Millions and millions of Texans, including</p> <p>5 Democrats and poor people that we've talked about</p> <p>6 today, and minorities, don't think it's a burden or an</p> <p>7 issue to ask someone to have a photo when it's almost</p> <p>8 impossible to have a normal life in America today</p> <p>9 without having to show a photo ID to do so many</p> <p>10 things.</p> <p>11 Q. That's a great answer, Dan, but it wasn't my</p> <p>12 question.</p> <p>13 A. Okay.</p> <p>14 MR. DERFNER: Read the question again.</p> <p>15 THE REPORTER: "Okay. But if you were</p> <p>16 told you're not allowed to vote in person, but you can</p> <p>17 only vote by mail, would you be losing something?"</p> <p>18 "Would you feel that was some kind of a</p> <p>19 disadvantage to you?"</p> <p>20 MS. DONNELLY: Objection. Form.</p> <p>21 Go ahead.</p> <p>22 A. I think I said, no, it wouldn't.</p> <p>23 Q. (BY MR. DERFNER) Why not? Are you serious?</p> <p>24 MS. DONNELLY: Argumentative.</p> <p>25 A. Okay. Well, if the rules say I need a photo</p>	<p style="text-align: right;">299</p> <p>1 A. If, when I renewed my driver's license -- and</p> <p>2 it's probably the first time, it's probably not on</p> <p>3 renewal. But I don't know, if that was a requirement</p> <p>4 at the time, then I had -- then I had to do that.</p> <p>5 Q. But you don't know if it was a requirement at</p> <p>6 the time, do you?</p> <p>7 A. I don't know.</p> <p>8 Q. If it was not a requirement at the time, then</p> <p>9 maybe you didn't have to do it?</p> <p>10 A. I don't know. Well, if it wasn't a</p> <p>11 requirement, then I wouldn't have had to do it.</p> <p>12 Q. And if you didn't have to do it and there's</p> <p>13 no documentation of citizenship in your DPS records,</p> <p>14 should you be able to vote?</p> <p>15 A. The laws -- if people act under the laws at</p> <p>16 the time, then they're acting under the laws at the</p> <p>17 time.</p> <p>18 Q. So should DPS be able to make it harder to</p> <p>19 get an EIC today than was required of people who have</p> <p>20 driver's licenses, who would be able to go to the</p> <p>21 polls?</p> <p>22 A. First, I don't suggest -- I don't buy your</p> <p>23 characterization that it's harder. And secondly, I</p> <p>24 don't know when -- maybe I did have to prove -- I</p> <p>25 mean, I just don't know the answer to that question.</p>
<p style="text-align: right;">298</p> <p>1 voter ID to vote and I don't have a photo voter ID and</p> <p>2 I don't -- and I'm not inclined to get a photo voter</p> <p>3 ID, then that's -- you know, that's -- I mean, society</p> <p>4 does have its rules and regulations to do certain</p> <p>5 things that the people support. And if the people did</p> <p>6 support it, it wouldn't be law.</p> <p>7 (Ms. Baldwin exits the room.)</p> <p>8 Q. (BY MR. DERFNER) If there are people who have</p> <p>9 driver's licenses now, who didn't have to meet these</p> <p>10 requirements, these documentary requirements, such as</p> <p>11 documenting citizenship in order to get that driver's</p> <p>12 license, should they be able to use that driver's</p> <p>13 license as a photo ID?</p> <p>14 A. I stand to be corrected, but I do believe you</p> <p>15 have to prove citizenship to get a driver's license in</p> <p>16 Texas.</p> <p>17 Q. Okay. When did you last renew your driver's</p> <p>18 license?</p> <p>19 A. I was asked earlier this morning. I don't</p> <p>20 recall. I don't recall.</p> <p>21 Q. Okay. Did you prove citizenship at that</p> <p>22 time?</p> <p>23 A. I don't recall.</p> <p>24 Q. Did you ever prove citizenship to get your</p> <p>25 driver's license?</p>	<p style="text-align: right;">300</p> <p>1 I don't remember. When I got my first driver's</p> <p>2 license in Texas, I don't know what the law was.</p> <p>3 Q. One of the documents DPS calls for in order</p> <p>4 to qualify for an EIC is a birth certificate; is that</p> <p>5 correct?</p> <p>6 A. I believe so.</p> <p>7 Q. What does that do? Why is that</p> <p>8 identification?</p> <p>9 MS. DONNELLY: Objection. Form.</p> <p>10 A. I don't know what their thinking is on it.</p> <p>11 But very often many things require, like a passport,</p> <p>12 that you provide a birth certificate. Other things</p> <p>13 require a birth certificate when they determine</p> <p>14 that -- that a birth certificate is important to prove</p> <p>15 that up.</p> <p>16 Q. (BY MR. DERFNER) Does a birth certificate</p> <p>17 have a photo on it?</p> <p>18 A. No, but it would prove your citizenship,</p> <p>19 where you were born, what country you were born in.</p> <p>20 Q. Okay. If you took your birth certificate in,</p> <p>21 would it prove that Dan Patrick, the person standing</p> <p>22 in front of the DPS office, was -- should be -- should</p> <p>23 get his driver's license if he needs his -- a birth</p> <p>24 certificate for it?</p> <p>25 A. Would you mind repeating that for me?</p>

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<p style="text-align: right;">301</p> <p>1 Q. That's a bad question. Let me ask it again.</p> <p>2 A. Good. I thought I was confused.</p> <p>3 Q. No, no, no. When DPS requires a birth</p> <p>4 certificate, which is virtually what you have to do,</p> <p>5 what does that prove? Why is that proof good</p> <p>6 identification and citizenship?</p> <p>7 MS. DONNELLY: Objection. Form.</p> <p>8 A. I'd have to do some research and -- and find</p> <p>9 out what the thinking is on any agency, federal or</p> <p>10 state or local, that requires a birth certificate for</p> <p>11 anything, so...</p> <p>12 Q. (BY MR. DERFNER) What does a birth</p> <p>13 certificate prove?</p> <p>14 A. It proves when you were born and where you</p> <p>15 were born.</p> <p>16 Q. Okay. So if Dan Patrick took your birth</p> <p>17 certificate in, would it prove anything?</p> <p>18 A. It would prove where I was born and when I</p> <p>19 was born.</p> <p>20 Q. Where who was born? The name on the birth</p> <p>21 certificate, you told us earlier, is not Dan Patrick,</p> <p>22 right?</p> <p>23 A. That's correct. Right. Correct.</p> <p>24 Q. So if you took the birth certificate that</p> <p>25 accompanied your birth in, it wouldn't say anything</p>	<p style="text-align: right;">303</p> <p>1 Q. Well, do you recall when you went to get your</p> <p>2 license, did you bring in a birth certificate and a</p> <p>3 court order?</p> <p>4 MS. DONNELLY: Objection. He's already</p> <p>5 said he doesn't remember.</p> <p>6 A. I don't remember.</p> <p>7 MS. DONNELLY: We should move on,</p> <p>8 Armand.</p> <p>9 Q. (BY MR. DERFNER) So the question is: Why</p> <p>10 would the legislature give this free-floating</p> <p>11 authority to DPS to make state policy on such an</p> <p>12 important matter?</p> <p>13 MS. DONNELLY: Objection. Form.</p> <p>14 A. Again, I don't recall the specifics.</p> <p>15 My -- part of my reaction would be that they are</p> <p>16 already set up to do so. These EICs are similar to a</p> <p>17 driver's license. They take the place of a driver's</p> <p>18 license. They have the cameras there to take the</p> <p>19 photograph. They have the background check system so</p> <p>20 they can -- when you turn in your information, they</p> <p>21 can do -- to make sure it's accurate. That's where</p> <p>22 you get your driver's license. So it would make</p> <p>23 sense.</p> <p>24 We don't -- we wouldn't want to create a</p> <p>25 whole new agency to go to a whole new office. People</p>
<p style="text-align: right;">302</p> <p>1 about Dan Patrick, would it?</p> <p>2 A. No, but I would -- I would have my name</p> <p>3 change -- no different than a -- you know, it's more</p> <p>4 typical for a woman than a man to change their name in</p> <p>5 marriage. But many women change their name when they</p> <p>6 get married, and so you could make that same argument.</p> <p>7 But we do require -- TSA requires it, you</p> <p>8 know. You are required to have your driver's license</p> <p>9 in your name.</p> <p>10 Q. But what I'm getting at is, what did you have</p> <p>11 to do to get your driver's license?</p> <p>12 A. As I testified earlier, I don't recall when I</p> <p>13 originally got it.</p> <p>14 Q. And if you took your birth certificate in,</p> <p>15 you'd need another document, wouldn't you? You, I</p> <p>16 mean.</p> <p>17 A. Would I?</p> <p>18 Q. Yeah. Your birth certificate wouldn't tell</p> <p>19 who you were. I don't mean to be picking on you, but</p> <p>20 you have a special situation, right?</p> <p>21 A. Well, no, not special. Lots of people change</p> <p>22 their name. I mean, you know, half the population</p> <p>23 that gets married, or women -- and most women change</p> <p>24 their name when they get married, so they do the same</p> <p>25 thing.</p>	<p style="text-align: right;">304</p> <p>1 are familiar with DPS. And at least somebody in</p> <p>2 someone's family is familiar, "Oh, yeah, that's where</p> <p>3 I got my license, I can take you down to get your ID</p> <p>4 if..."</p> <p>5 Because, we're talking about people who don't</p> <p>6 have a driver's license. So it was the appropriate</p> <p>7 agency to handle it.</p> <p>8 And we, again, give rule-making authority.</p> <p>9 We -- we don't micromanage everything that an agency</p> <p>10 handles. We don't tell every agency exactly what to</p> <p>11 do in every situation. We pass legislation and the</p> <p>12 agency's enacted.</p> <p>13 Q. (BY MR. DERFNER) Why didn't you give it to</p> <p>14 the election officials?</p> <p>15 A. I just answered the question.</p> <p>16 Q. No, you told me what -- what the agencies do.</p> <p>17 You didn't tell me why you picked that agency.</p> <p>18 A. Well, I told you I didn't know why we picked</p> <p>19 that agency. But my speculation is, they were the</p> <p>20 ones already set up to do that.</p> <p>21 Q. When you say "that," what do you mean "that"?</p> <p>22 A. Walk in, get your photograph taken, had the</p> <p>23 driver's licenses that he actually made, the</p> <p>24 background checks done, they're the ones who do that.</p> <p>25 Q. And do they have any experience with voting?</p>

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<p style="text-align: right;">305</p> <p>1 A. This isn't about -- the DPS side of this 2 isn't about voting. It's about verifying that people 3 who -- are who they say they are, and they're the best 4 set up agency in the state, since they're issuing a 5 driver's license, to issue a similar card. 6 Q. So if the legislature wasn't deciding this 7 important voting question, and if DPS is set up just 8 to deal with the driver's license side, who was 9 looking out for the voters in this process? 10 MS. DONNELLY: Objection. This is just 11 argumentative. 12 MR. DERFNER: I don't think so. Do you 13 want me to rephrase it? 14 MS. DONNELLY: Counsel, really, let's 15 just ask substantive questions. It's the end of the 16 day. 17 MR. DERFNER: I understand. 18 Q. (BY MR. DERFNER) Who was looking out for the 19 voters in this process? 20 MS. DONNELLY: Objection. 21 Argumentative. 22 You can answer. 23 But I really think we need to move it 24 along. 25 A. I'm really done with the issue. I've</p>	<p style="text-align: right;">307</p> <p>1 speak for him. 2 Q. Anybody else? 3 A. The House sponsor or author that -- we call 4 sponsors in this case. 5 Q. You mean Ms. Harless? 6 A. Ms. Harless. 7 Q. Any staff people? 8 A. If there were, I wouldn't know who those 9 were. 10 Q. Okay. 11 MR. DERFNER: Okay. Thank you. 12 THE WITNESS: Well, thank you. 13 E X A M I N A T I O N 14 BY MR. CLAY: 15 Q. I've got a few follow-up questions for you. 16 I am going to try and go quick because I know you've 17 got to get home for dinner. 18 A. That's fine. 19 Q. My name is Reed Clay, and I'm representing 20 the State of Texas today and the various other 21 defendants in this case who are defending the voter ID 22 bill that you and the rest of the legislature passed 23 in 2011. 24 I just want to ask a few kind of clean-up 25 questions based upon your testimony earlier today.</p>
<p style="text-align: right;">306</p> <p>1 answered it multiple times. 2 Q. (BY MR. DERFNER) Okay. Let me just take a 3 second. 4 Senator Patrick -- 5 A. Yes, sir. 6 Q. -- I asked you a number of questions about 7 the legislative process and what you knew and didn't 8 know, et cetera. 9 Is there anybody besides you who would know 10 or who might know more about some of those things, or 11 might have known more about some of the questions I 12 asked about the legislative process? Is that a clear 13 enough question? 14 A. Yes. It would only be speculation on my part 15 because I can't speak for another senator. But the 16 author of the bill may, or may not. 17 And, again, to be clear, you know, I don't 18 recall -- you know, if -- if someone testified I was 19 in a conversation or there was a meeting or something, 20 I just don't remember those. And I'm not trying to be 21 vague. I just don't remember. 22 Q. So when you say the senator that authored the 23 bill, you mean Senator Fraser? 24 A. If there was someone who might be able to add 25 clarity, he might. But he might not be. I can't</p>	<p style="text-align: right;">308</p> <p>1 The same ground rules, if -- you know, if I say 2 something you don't understand, just let me know and 3 I'll clear it up for you. 4 You're not a lawyer, right? 5 A. Correct. 6 Q. Okay. But -- but we've had -- heard some 7 testimony today about the federal courts and -- and 8 perhaps the Supreme Court upholding Indiana's voter ID 9 law. 10 Are you aware that the Supreme Court has 11 upheld Indiana's voter ID law? 12 A. It's as I -- I believe I testified earlier 13 today: It seemed to me somewhere in the past that was 14 information that -- that I was aware of. 15 Q. Were you aware of it in 2011 when the 16 legislature passed the voter ID law? 17 A. I can't speak for certain, but I believe so. 18 Q. Are you aware that Georgia has a voter ID 19 law? 20 A. I think I've heard that. 21 Q. Are you aware that the Department of Justice 22 precleared Georgia's voter ID law under the Voting 23 Rights Act? 24 A. Actually, I do recall that story. 25 Q. We also -- you also talked a little bit about</p>

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<p style="text-align: right;">309</p> <p>1 polls that you -- I think I'm not mischaracterizing</p> <p>2 your testimony when I say the word plural, polls.</p> <p>3 A. Correct.</p> <p>4 Q. We only heard one by name mentioned</p> <p>5 specifically, which I think was the Baseline, which I</p> <p>6 spell -- which I think we decided it was</p> <p>7 B-A-S-E-L-I-C-E, poll.</p> <p>8 That was one of the polls that you referenced</p> <p>9 earlier?</p> <p>10 A. Correct.</p> <p>11 Q. Is that the poll -- you also mentioned a poll</p> <p>12 that showed that 90 percent of Texans favored voter</p> <p>13 ID. Is that the Baseline poll?</p> <p>14 A. Yes, I believe it is.</p> <p>15 Q. But you did -- you did look at other polls</p> <p>16 when considering voter ID in 2011, or before?</p> <p>17 A. I don't know that the word would be looked at</p> <p>18 a poll. I don't even know that I looked at the</p> <p>19 Baseline poll. But I've read -- I've read about</p> <p>20 polls.</p> <p>21 You know, sometimes a newspaper could conduct</p> <p>22 a poll or a TV station or other entities and it's</p> <p>23 reported by the media. So I don't know that I</p> <p>24 actually looked at a poll. But I looked at the</p> <p>25 reports of polls, and they were all consistent.</p>	<p style="text-align: right;">311</p> <p>1 A. No.</p> <p>2 Q. Is the University of Texas a conservative</p> <p>3 institution, in your opinion?</p> <p>4 A. No.</p> <p>5 Q. Do you think that the University of Texas or</p> <p>6 the Texas Tribune would do a push poll that was meant</p> <p>7 to aid the passage of voter ID?</p> <p>8 A. Well, it's an interesting question, because</p> <p>9 the push poll issue came up earlier today. And push</p> <p>10 polls, to my knowledge, and to my experience, are</p> <p>11 usually done candidate on candidate. They're not done</p> <p>12 on -- on public issues.</p> <p>13 When someone like the University of Texas or</p> <p>14 the Texas Tribune, or even a private pollster is</p> <p>15 polling issues, issues and policy, I would actually be</p> <p>16 surprised that those were push polls.</p> <p>17 They're usually hired by independent people</p> <p>18 who -- you know, independent groups, or they are</p> <p>19 independent, or even if they're a professional</p> <p>20 pollster, they're hired by people who are interested</p> <p>21 to actually see where the public stands on an issue.</p> <p>22 So to answer your question specifically: I</p> <p>23 do not believe that the University of Texas or the</p> <p>24 Tribune would do a push poll.</p> <p>25 Q. On anything?</p>
<p style="text-align: right;">310</p> <p>1 Q. Fair point. And I think maybe your education</p> <p>2 is more advanced than you realize. You correctly</p> <p>3 criticized my question for not being specific enough.</p> <p>4 You were aware of other polls other than the</p> <p>5 Baseline poll when you were considering voter ID in</p> <p>6 2011?</p> <p>7 A. Yes, I believe so.</p> <p>8 Q. Okay. Do you know what the Texas Tribune is?</p> <p>9 A. Yes.</p> <p>10 Q. What about the University of Texas?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall seeing a poll from the Texas</p> <p>13 Tribune and the University of Texas?</p> <p>14 A. I don't recall a specific poll, but I am</p> <p>15 familiar with the fact that the two of them joined</p> <p>16 together and polled a number of public --</p> <p>17 Q. But you don't recall, in particular, the</p> <p>18 Texas Tribune/University of Texas poll?</p> <p>19 A. I do not.</p> <p>20 Q. Was the Baseline poll, to your knowledge, a</p> <p>21 push poll?</p> <p>22 A. I wouldn't have knowledge of that, but I</p> <p>23 don't believe so.</p> <p>24 Q. Is the Texas Tribune a conservative</p> <p>25 newspaper, in your opinion?</p>	<p style="text-align: right;">312</p> <p>1 A. Yeah, I don't think they would do it on</p> <p>2 anything: But particularly, public policy.</p> <p>3 Q. Earlier you mentioned that the polls that you</p> <p>4 were aware of showed broad support across -- and I</p> <p>5 don't -- if I'm mischaracterizing your testimony, let</p> <p>6 me know -- across political ideologies.</p> <p>7 In other words -- and I think you used the</p> <p>8 words broad support among Republicans, Independents,</p> <p>9 and Democrats. And I went backwards. I went from</p> <p>10 left to right. I should have gone from right to left.</p> <p>11 A. Yes, the polls that I saw, it seems to me I</p> <p>12 remember a number where 96 percent of the Republicans</p> <p>13 and 74 percent of Democrats supported photo voter ID.</p> <p>14 There seemed to be a poll somewhere in the past I</p> <p>15 read.</p> <p>16 Q. Were you aware that photo voter ID garnered</p> <p>17 support from the majority of minorities in Texas in</p> <p>18 2011 when the Texas legislature was considering voter</p> <p>19 ID?</p> <p>20 A. I think my testimony earlier today was that I</p> <p>21 believed that was the case, that the constituents of</p> <p>22 the legislators who voted against the bill, the</p> <p>23 majority of them favored it.</p> <p>24 Q. So at the time that you voted for SB 14, in</p> <p>25 your opinion photo voter ID was supported by a</p>

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<p style="text-align: right;">313</p> <p>1 majority of minorities in Texas?</p> <p>2 A. Yes.</p> <p>3 Q. So we've talked about polls as one thing</p> <p>4 you've considered, you know, throughout your</p> <p>5 consideration of voter ID and the various times it was</p> <p>6 brought up in the Texas legislature. Did you -- what</p> <p>7 else did you consider, other than that?</p> <p>8 A. Well, first of all, did I think it was</p> <p>9 important? And I did, to protect the integrity of the</p> <p>10 ballot box. Did I think it was a reasonable request</p> <p>11 of people to have a photo to vote? Based on many</p> <p>12 things I've said today, you need a photo for so many</p> <p>13 other things.</p> <p>14 Based on all the people I had talked to over</p> <p>15 a period of time, looking at all the polls and -- and</p> <p>16 you said something that just actually made me think of</p> <p>17 something about the majority of minority voters.</p> <p>18 Very often, if we have a contentious issue</p> <p>19 where -- not the legislators, because sometimes</p> <p>20 legislators will be divided -- but the citizens, where</p> <p>21 citizens are divided on an issue, they show up at the</p> <p>22 Capitol and rally for and against.</p> <p>23 I don't recall anyone -- I could stand to be</p> <p>24 corrected -- but I don't recall at any time there</p> <p>25 being a large group -- I mean, you know, where we hear</p>	<p style="text-align: right;">315</p> <p>1 Q. Do you consider -- well, let me just ask a</p> <p>2 more general question. What are your opinions of the</p> <p>3 state voter rolls?</p> <p>4 A. Can you --</p> <p>5 Q. The voter registration lists. Do you have</p> <p>6 any opinions about the state of the voter registration</p> <p>7 lists that Texas has?</p> <p>8 A. I'm not sure I understand the -- the state of</p> <p>9 the -- the voter registration --</p> <p>10 Q. Okay. I'll move on to my next question then.</p> <p>11 A. Okay.</p> <p>12 Q. Were you aware during your consideration of</p> <p>13 the Texas voter ID laws, you know, either in '07, '09,</p> <p>14 or '11, that counties were having to cancel or remove</p> <p>15 noncitizens from their voter rolls?</p> <p>16 A. I believe that -- and I'd have to go back and</p> <p>17 really think through this. But I believe, and was</p> <p>18 aware through conversations, that a number of counties</p> <p>19 were trying to clean up their voter rolls from people</p> <p>20 who were deceased and people who may not have been</p> <p>21 eligible to register, yes.</p> <p>22 Q. Did you consider any reports or studies of,</p> <p>23 you know, the effects of voter ID?</p> <p>24 A. Did I -- I don't -- I don't recall.</p> <p>25 Q. Does the report of Commission on Federal</p>
<p style="text-align: right;">314</p> <p>1 them yelling outside; which, we often do on bills</p> <p>2 opposing voter ID.</p> <p>3 And then when you have one group -- or for</p> <p>4 it, to be honest. I mean, there may have been small</p> <p>5 groups that came up, or individuals.</p> <p>6 And what that means is that -- that it was</p> <p>7 overwhelming support for it and it was -- it was a</p> <p>8 no-brainer to a lot of people that this is reasonable</p> <p>9 to require and we want to protect our ballot box.</p> <p>10 So it was -- it was very natural, and very</p> <p>11 expected, I think, by the people, that we were going</p> <p>12 to pass it for that reason.</p> <p>13 Q. So if I characterized your testimony here</p> <p>14 today, you -- you mentioned earlier that you don't</p> <p>15 know, specifically, why any given Democratic</p> <p>16 legislator opposed voter ID, right?</p> <p>17 A. Yeah, I really don't.</p> <p>18 Q. If I characterize your testimony</p> <p>19 today -- here, today, as in your opinion that there</p> <p>20 was a misalignment or chasm between the Democrat</p> <p>21 legislators in the Texas legislature and the</p> <p>22 constituents that they represented; would that be</p> <p>23 fair?</p> <p>24 A. It would be fair and it wouldn't be the first</p> <p>25 time.</p>	<p style="text-align: right;">316</p> <p>1 Election Reform ring a bell? And maybe this will jog</p> <p>2 your memory -- the cochairs were President Jimmy</p> <p>3 Carter and James A. Baker.</p> <p>4 A. No, it doesn't ring a bell.</p> <p>5 Q. Do voter registration cards expire, to your</p> <p>6 knowledge?</p> <p>7 A. They do.</p> <p>8 Q. Can you vote with an expired voter</p> <p>9 registration card?</p> <p>10 A. Only provisionally. In fact, you may not</p> <p>11 even be able to vote with an expired registration card</p> <p>12 provisionally. I'm not sure. Because the whole idea</p> <p>13 of voting a provisional ballot is that you actually</p> <p>14 have a right to vote, but you couldn't prove it at the</p> <p>15 time.</p> <p>16 So if you presented a registration card that</p> <p>17 was expired, then you wouldn't be able to vote unless</p> <p>18 you brought the wrong one and you said, I need to go</p> <p>19 get the other one, so...</p> <p>20 Q. You said earlier that -- I believe that you</p> <p>21 said this, and correct me if I'm wrong, you said it</p> <p>22 was fairly easy to register to vote in Texas; is that</p> <p>23 right?</p> <p>24 A. Yes.</p> <p>25 Q. Do you believe that there were -- are you</p>

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<p style="text-align: right;">317</p> <p>1 aware of any voter registration fraud in Texas?</p> <p>2 A. I think there was testimony of voter</p> <p>3 registration fraud.</p> <p>4 Q. Do you know what ACORN is, or was?</p> <p>5 A. Yes.</p> <p>6 Q. Are you -- do you remember or recall any</p> <p>7 voter registration -- I'll use the word scandal --</p> <p>8 involving ACORN, either in Texas or elsewhere?</p> <p>9 A. I do.</p> <p>10 Q. Earlier you testified that you thought that</p> <p>11 Texas photo voter ID law, that the only type of fraud</p> <p>12 that it prevented was in-person voter fraud; is that</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. Do you think that Texas's photo voter ID law</p> <p>16 deters other types of fraud? I'll get more specific.</p> <p>17 Do you think it would deter voter registration fraud?</p> <p>18 A. I don't know.</p> <p>19 Q. Prior to the enactment of SB 14, if someone</p> <p>20 fraudulently registered to vote and was not</p> <p>21 apprehended or caught, how difficult would it have</p> <p>22 been for them to -- to vote?</p> <p>23 A. It would have been easy.</p> <p>24 And to your last question, it took me a</p> <p>25 second to cycle through. If people know they have to</p>	<p style="text-align: right;">319</p> <p>1 present, not 31 senators, so the fewer senators, then</p> <p>2 your threshold decreases. And there were fewer</p> <p>3 senators that day.</p> <p>4 We passed the bill. Senator Whitmire</p> <p>5 objected and -- and said that he was in the restroom</p> <p>6 and was not aware of the vote and -- and protested.</p> <p>7 And there was another Democrat who was not there that</p> <p>8 day. And the protest went on quite a while from</p> <p>9 Senator Whitmire, that it wasn't right, it wasn't</p> <p>10 fair, it was an important bill, he should have been</p> <p>11 able to vote.</p> <p>12 And so the lieutenant governor, David</p> <p>13 Dewhurst at the time, said, "Okay, we'll -- we'll have</p> <p>14 another vote." Not everyone agreed with that, but we</p> <p>15 respected his decision.</p> <p>16 I've never seen in my entire time of over</p> <p>17 16,000 votes a vote be -- the gavel come down -- bless</p> <p>18 you -- the gavel come down and a senator complain and</p> <p>19 a -- and the lieutenant governor give them a mulligan.</p> <p>20 I've never seen that. But the lieutenant governor</p> <p>21 did.</p> <p>22 And while we went through this 20-minute, or</p> <p>23 whatever it was, debate on should we have a revote,</p> <p>24 the Democrats went and got the senator at his home.</p> <p>25 I'm not -- you know, I don't know if he was</p>
<p style="text-align: right;">318</p> <p>1 have a photo to vote, then it could impact voter</p> <p>2 registration fraud because people would know, I can</p> <p>3 register to vote, but I actually can't vote if I don't</p> <p>4 have a photo ID matching up with the name I've</p> <p>5 registered under. So it could obviously</p> <p>6 impact -- could impact it.</p> <p>7 Q. So you think that Texas voter ID law could</p> <p>8 deter voter registration fraud?</p> <p>9 A. In that context, it could.</p> <p>10 Q. Does a voter registration card -- well, let</p> <p>11 me -- give me one second here.</p> <p>12 Let's go to kind of the legislative history,</p> <p>13 if you will -- and I know it's somewhat long, so we'll</p> <p>14 do the shorthand version to try to get through it --</p> <p>15 of Texas voter ID law.</p> <p>16 Do you recall the first time that Texas</p> <p>17 legislature considered voter ID?</p> <p>18 A. Well, the first time that I'm aware of,</p> <p>19 that -- that I was a senator, was 2007. I don't know</p> <p>20 if it was considered before that.</p> <p>21 Q. What happened in 2007? I mean, obviously, it</p> <p>22 wasn't passed, right?</p> <p>23 A. Yeah, we passed it in the Senate. There were</p> <p>24 a couple of senators missing from the floor. And the</p> <p>25 21-vote rule is based on the number of senators</p>	<p style="text-align: right;">320</p> <p>1 ill or just late. They went and got that senator, it</p> <p>2 was Senator Uresti, and as we were going through the</p> <p>3 roll call, we do it alphabetically, just as we got</p> <p>4 pretty much down at the end of the alphabet, Senator</p> <p>5 Uresti suddenly appeared on the Senate floor and we</p> <p>6 lost by a vote --</p> <p>7 Q. And so it was passed --</p> <p>8 A. -- as I recall.</p> <p>9 Q. -- it was passed out; but then, the vote was</p> <p>10 redone. And therefore, it never made it out of the</p> <p>11 Senate in 2007?</p> <p>12 A. Yes, because we, as I recall -- I'd have to</p> <p>13 go back and check the archives, the -- for a vote. We</p> <p>14 didn't have the 21-vote, or we lost by a vote, however</p> <p>15 the count came out.</p> <p>16 Q. So the blocker bill is ultimately what did in</p> <p>17 voter ID in 2007?</p> <p>18 A. Correct.</p> <p>19 Q. And then am I right saying that voter ID was</p> <p>20 again considered by the legislature in 2009?</p> <p>21 A. Correct.</p> <p>22 Q. What happened in 2009?</p> <p>23 A. I'd have to go back and look at the history.</p> <p>24 I believe it passed out of the Senate, and I don't</p> <p>25 know what happened. I can't remember. If I were</p>

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<p style="text-align: right;">321</p> <p>1 shown the documents, I would remember right away, but</p> <p>2 I don't remember what happened next.</p> <p>3 Q. But it wasn't passed by the legislature,</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. Do you know what chubbing is?</p> <p>7 A. Yes.</p> <p>8 Q. What is chubbing?</p> <p>9 A. In the House, they have different rules than</p> <p>10 the Senate. In the House you are allowed to stand up</p> <p>11 and speak -- I don't know all the House rules</p> <p>12 verbatim -- but I believe you can speak for ten</p> <p>13 minutes against a bill, and so -- any bill.</p> <p>14 So what happens is -- and the Democrats have</p> <p>15 used this on a number of occasions, in my</p> <p>16 recollection. And there are -- at that time there may</p> <p>17 have been 50 or 55 Democrats in the House. I don't</p> <p>18 know if each one -- but they would chub every -- the</p> <p>19 House, as I explained earlier, has a different way</p> <p>20 they bring bills to the floor.</p> <p>21 And so my memory is that voter ID was so many</p> <p>22 bills down, and they chubbed every bill. So they'd</p> <p>23 talk for ten minutes, and just before their time ran</p> <p>24 out they basically ended their -- "That's all I have</p> <p>25 to say." And then, the next person did it.</p>	<p style="text-align: right;">323</p> <p>1 Q. Okay.</p> <p>2 A. Everything dies.</p> <p>3 Q. And then in 2011, what happened in 2011?</p> <p>4 A. In 2011, we passed the bill and -- out of the</p> <p>5 Senate.</p> <p>6 Q. The Senate?</p> <p>7 A. And then it passed out of the House at some</p> <p>8 point. I don't know if it came back to the Senate or</p> <p>9 not. I don't remember if it was amended. It went to</p> <p>10 the governor and was signed.</p> <p>11 Q. Did you have two-thirds in the Senate?</p> <p>12 A. We made an exception for the two-thirds rule</p> <p>13 and we passed it as -- and I forget the procedural</p> <p>14 matter in which we did, but we passed it without the</p> <p>15 two-thirds rule.</p> <p>16 Q. Do you think that what happened in 2007 and</p> <p>17 2009 is -- is that the reason that the Senate made an</p> <p>18 exception for voter ID in 2011?</p> <p>19 A. I think it's part of the reason. The main</p> <p>20 reason we wanted to pass it was the integrity of the</p> <p>21 ballot box; and 90 percent of the people, in our view,</p> <p>22 supported it.</p> <p>23 But rules are designed -- rules are designed</p> <p>24 for both parties to be able to work through the system</p> <p>25 and pass or stop legislation. Rules can be abused.</p>
<p style="text-align: right;">322</p> <p>1 So they brought the process -- the</p> <p>2 legislative process to a grinding halt, on everything,</p> <p>3 in order to slow that bill down.</p> <p>4 And I don't know if that's what eventually</p> <p>5 killed it or the clock just ran out. I just don't</p> <p>6 recall. Because the votes were in the House.</p> <p>7 Clearly, the Republicans had, in 2009, I</p> <p>8 don't know, a -- I'm not sure what the majority, but</p> <p>9 they had the votes to pass it.</p> <p>10 Q. Let's just hypothetically say there's bill X</p> <p>11 that's buried down on the order of when it would come</p> <p>12 up on the floor --</p> <p>13 A. Right.</p> <p>14 Q. -- that a group of legislators want to kill</p> <p>15 it.</p> <p>16 A. Yes.</p> <p>17 Q. And they'll talk for ten minutes on every</p> <p>18 bill in front of that, right?</p> <p>19 A. Yes.</p> <p>20 Q. In the hopes of basically preventing that</p> <p>21 bill from ever coming up to the floor?</p> <p>22 A. Correct.</p> <p>23 Q. If there are bills after bill X, what happens</p> <p>24 to them?</p> <p>25 A. They all die, too.</p>	<p style="text-align: right;">324</p> <p>1 For example, the blocker bill, as we've</p> <p>2 talked about before, was designed to be a one-party,</p> <p>3 really, how to get bills to the floor. And it was</p> <p>4 designed, some might say, to try to bring people</p> <p>5 together, because you have to work across the aisle to</p> <p>6 get it done. Democrats need us, we need them.</p> <p>7 But the Democrats in the Senate had fallen</p> <p>8 into a -- had begun a habit of just saying to us, 11</p> <p>9 of us -- and there were 11 and 12 at various times in</p> <p>10 the Senate -- that "We're just going to" -- on a lot</p> <p>11 of bills, on a lot of bills -- "We're not voting for</p> <p>12 your bill."</p> <p>13 And then we would sit down and say, "Well,</p> <p>14 we'd like to -- let's negotiate, and how can we make</p> <p>15 this work?" "No, we're not negotiating, we're not</p> <p>16 interested." So they used the blocker bill just to</p> <p>17 say, "No, wasting time, not interested."</p> <p>18 And -- and so what happens is -- and I never</p> <p>19 quite understood that tactic, because you go to</p> <p>20 special session. We don't use the 21-bill rule.</p> <p>21 Everyone knows we don't use the 21-bill rule. And we</p> <p>22 can pass bills.</p> <p>23 And then over in the House again, I think the</p> <p>24 House Republicans were not only upset that the voter</p> <p>25 ID was chubbed, but everybody else's bills died</p>

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<p style="text-align: right;">325</p> <p>1 behind -- I don't know how many there were. So there 2 might have been a bill needed for a community, it may 3 have been a Democrat one or Republican, but all bills 4 died. 5 So, you know, I think in 2011 we said, the 6 Democrats have used the rules; whether we like the way 7 they used the rules or not, they used the rules to 8 stop the bill and we used the rules to pass the bill. 9 And -- you know, I said to a Democrat senator 10 one time, I'll never quite understand -- and I have a 11 very good relationship and work well and we pass -- 12 work well on a lot of bills together. 13 But I said to a senator once, I said, "I've 14 never understood you-all locking arms and saying no on 15 these bills that you don't want; because if you would 16 negotiate with us, we'd pass a bill that you might 17 find more palatable because you would have influence 18 on. But if you're not interested in negotiating, then 19 we're going to have a special session and you're not 20 going to have any influence because we only need 16 21 votes. Simple majority." I've never quite understood 22 that thinking. 23 If I were in the minority party, I would want 24 to try and -- and make every bill, if I know it's 25 eventually going to pass, I would like to have as much</p>	<p style="text-align: right;">327</p> <p>1 passport show that you're a citizen of the United 2 States? 3 A. Yes. 4 Q. Does it show your date of birth? 5 A. Yes. 6 Q. We talked a little bit about state IDs also. 7 And I think it was Armand who -- who showed you a list 8 of the interrogatories and the various state agencies 9 who issue state IDs. 10 To your knowledge, do all those state-issued 11 state employment IDs, are -- do they all look alike? 12 A. No, they all look -- they're actually 13 different. 14 Q. Do you know -- if you were a -- I mean, 15 granted, you're here legally -- let's say a lawful, 16 permanent resident of the United States and employed 17 by the state of Texas, you would be issued the same ID 18 as me or Arthur, or whomever else, assuming you work 19 for the Attorney General's Office; is that right? 20 A. Yes. 21 Q. So a state ID doesn't necessarily prove that 22 you're a citizen; is that right? 23 A. Correct. 24 Q. And to your knowledge, are you aware of any 25 state ID that shows a person's date of birth?</p>
<p style="text-align: right;">326</p> <p>1 influence on it as I can. 2 MS. DONNELLY: Sorry to interrupt. How 3 are we doing on time? 4 (Discussion off the record.) 5 Q. (BY MR. CLAY) If you'll permit me to run 6 through. Earlier we were talking a little bit about 7 student IDs. Do you know whether noncitizens can 8 attend state universities? 9 A. They can. 10 Q. What about persons who are below the age of 11 18 years old? 12 A. Can they? 13 Q. Can they attend state universities? 14 A. Yes. 15 Q. Does a student ID prove citizenship? 16 A. No. 17 Q. It doesn't even prove state residency, does 18 it? 19 A. No. 20 Q. Does a student ID, to your knowledge -- are 21 you aware of any student ID issued by a Texas 22 university that shows date of birth? 23 A. No. 24 Q. We also talked a little bit about state IDs. 25 Well, first, let me back up. Does your</p>	<p style="text-align: right;">328</p> <p>1 A. I'm not aware of. There may be, but I'm not 2 aware of that. 3 Q. We also talked briefly about some of the 4 amendments, and I'm just going to be very brief. 5 But one of the amendments -- and I'm trying 6 to find it here, and this is Exhibit -- 7 MS. CONLEY: 5. 8 Q. (BY MR. CLAY) -- 5, and it's Amendment No. 9 30, and it talks about -- I'll just read to you from 10 it. It says: "The Secretary of State shall produce 11 an annual report showing," and then it goes through 12 about seven different categories, and one of them is, 13 "the number of residents eligible to vote in this 14 state who do not have the documentation required under 15 Section 63.0101," which is the voter ID bill, "and the 16 percentage of all state residents eligible to vote 17 represented by that number;" 18 Would SOS have information regarding the types 19 of documentation held by registered voters? 20 A. I don't believe so. 21 Q. It also asks for "the average time, by voting 22 precinct, that a person must wait to obtain a document 23 described by 63.0101 (1) at the nearest," which is the 24 voter ID law, "at the nearest Department of Public 25 Safety licensing facilities..."</p>

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<p style="text-align: right;">329</p> <p>1 Would SOS have any knowledge of waiting times</p> <p>2 at DPS facilities?</p> <p>3 A. No.</p> <p>4 Q. I'll ask -- my last three questions are,</p> <p>5 we've talked a lot a lot about the various, I'll call</p> <p>6 them, exemptions or -- they're not all exemptions, but</p> <p>7 sort of concessions, made to -- to various people who</p> <p>8 might be affected by voter ID, more so than others.</p> <p>9 One of them is, of course, that people 65</p> <p>10 years of age or older are able to vote by mail, and,</p> <p>11 therefore, don't have to show an ID, correct?</p> <p>12 A. Right.</p> <p>13 Q. Is it fair to say that that was a concession</p> <p>14 to them in recognition of the fact that sometimes it</p> <p>15 can be difficult for them to get to and from the</p> <p>16 polls?</p> <p>17 A. Well, I wasn't there when that passed, so I</p> <p>18 don't -- I wasn't involved in that, so I can't</p> <p>19 honestly answer.</p> <p>20 Q. Okay. And another one we talked about was a</p> <p>21 disability exemption, which allows disabled voters, or</p> <p>22 significantly disabled voters -- I think is the word</p> <p>23 you used -- to apply for and gain an exemption from</p> <p>24 their local registrar, which allows them to vote</p> <p>25 without an ID.</p>	<p style="text-align: right;">331</p> <p>1 But when I looked at the very beginning</p> <p>2 of it, the first -- one of the very first questions I</p> <p>3 was asked, had I ever been deposed before, and I</p> <p>4 believe I said once. I actually think I may have been</p> <p>5 deposed a couple of times in other -- not related</p> <p>6 cases, back in the '80s.</p> <p>7 But I just wanted -- for the record,</p> <p>8 that just -- when I looked at my deposition from the</p> <p>9 last time -- and I didn't read it all because it was</p> <p>10 too long, but that was like on the very first page,</p> <p>11 and I saw, oh, I didn't answer that correctly.</p> <p>12 So I want to -- I just didn't recall at</p> <p>13 the time or didn't think about it, so I just want to,</p> <p>14 for the record --</p> <p>15 MR. DYER: This is your deposition from</p> <p>16 the preclearance litigation?</p> <p>17 THE WITNESS: Yes. Yes.</p> <p>18 MS. DONNELLY: 2012.</p> <p>19 THE WITNESS: 2012.</p> <p>20 MS. CONLEY: I'm sorry. I just have one</p> <p>21 quick follow-up question.</p> <p>22 FURTHER EXAMINATION</p> <p>23 BY MS. CONLEY:</p> <p>24 Q. The University of Texas/Tribune poll that</p> <p>25 Reed referenced, you said you weren't familiar with</p>
<p style="text-align: right;">330</p> <p>1 Is it fair to say that that is a</p> <p>2 concession -- am I characterizing your testimony</p> <p>3 correctly to say that that is a concession made in</p> <p>4 recognition of the fact that it may be more difficult</p> <p>5 for a disabled person to get to and from a DPS</p> <p>6 facility in order to get an ID?</p> <p>7 A. For a severely disabled person, yes.</p> <p>8 Q. And we also talked a lot about the EIC, or</p> <p>9 the election identification certificate, which the</p> <p>10 legislature decided DPS shall issue free of charge to</p> <p>11 people who meet the various requirements.</p> <p>12 Is it fair to say that that is a concession</p> <p>13 that the legislature made for people who may lack the</p> <p>14 means to get an ID that may cost more money?</p> <p>15 A. Yes.</p> <p>16 MR. CLAY: That's it for me.</p> <p>17 MS. DONNELLY: Okay. Thank you.</p> <p>18 Hang on one second. What's the time?</p> <p>19 (Discussion off the record.)</p> <p>20 MS. DONNELLY: Did you want to say</p> <p>21 something?</p> <p>22 THE WITNESS: Yes. Just for the record,</p> <p>23 in -- a couple of days ago I received my previous</p> <p>24 deposition, which I had planned to read over, but I</p> <p>25 never had time. I skimmed a few pages.</p>	<p style="text-align: right;">332</p> <p>1 that poll, correct?</p> <p>2 A. I'm familiar with the polling they do. I'm</p> <p>3 not familiar with that specific poll.</p> <p>4 Q. The specific poll that he referenced, you</p> <p>5 were not familiar with that, correct?</p> <p>6 A. Yes. Yes. And I don't think he gave me the</p> <p>7 numbers of what it said. I just -- I wasn't familiar</p> <p>8 with that poll.</p> <p>9 MR. CLAY: I actually did not reference</p> <p>10 a specific poll. I just asked if you were aware of a</p> <p>11 poll from the Texas Tribune or the University of</p> <p>12 Texas.</p> <p>13 A. And it may well have been one of the many</p> <p>14 polls that I read. I just specifically couldn't tell</p> <p>15 you which one.</p> <p>16 Q. (BY MS. CONLEY) Great. I just wanted to make</p> <p>17 sure I was clear. Thanks.</p> <p>18 (Deposition concluded at 6:07 p.m.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 REPORTER CERTIFICATION
2 THE STATE OF TEXAS :
3 COUNTY OF HARRIS :

4 I, DENYCE SANDERS, a Certified Shorthand
5 Reporter and Notary Public in and for the State of
6 Texas, do hereby certify that the facts as stated by
7 me in the caption hereto are true; that the above and
8 foregoing answers of the witness, SENATOR DAN PATRICK,
9 to the interrogatories as indicated were made before
10 me by the said witness after being first duly sworn to
11 testify the truth, and same were reduced to
12 typewriting under my direction; that the above and
13 foregoing deposition as set forth in typewriting is a
14 full, true, and correct transcript of the proceedings
15 had at the time of taking of said deposition.

16 I further certify that I am not, in any
17 capacity, a regular employee of the party in whose
18 behalf this deposition is taken, nor in the regular
19 employ of his attorney; and I certify that I am not
20 interested in the cause, nor of kin or counsel to
21 either of the parties;

22 That the amount of time used by each party at
23 the deposition is as follows:
24 MS. BALDWIN - 04:16:14
25 MS. CONLEY - 01:14:28
MR. DERFNER - 01:07:01
MR. CLAY - 00:31:03

17 GIVEN UNDER MY HAND AND SEAL OF OFFICE,
18 this, the 16th day of July, 2014.



19 DENYCE SANDERS, CSR, RPR, CRR, TCRR
20 Notary Public in and for
21 Harris County, T E X A S

22 My Commission Expires: 4-14-17
23 Certification No.: 4038
24 Expiration Date: 12-31-15
25 U.S. LEGAL Support, Inc./Firm No. 122
363 N. Sam Houston Parkway, 12th Floor,
Houston, Texas 77060; 713.653.7100

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